

DOMESTIC VIOLENCE PACKET

(This packet is for parties **WITHOUT** children of the relationship.)

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Superior Court of California, County of Butte
1775 Concord Ave.,
Chico, California 95928
(530)532-7008
07/01/2016

No Filing Fee

If you need assistance with the preparation of any forms, you may contact the
Self Help Assistance and Referral Program (S.H.A.R.P.) at
One Court Street, Oroville, CA (530) 532-7015
1775 Concord Ave., Chico, CA (530) 532-7024
You may also visit the California Courts self help website at
www.courtinfo.ca.gov



Office of the Family Law Facilitator and SHARP Self Help Assistance & Referral Program

Oroville:

1 Court St.
Oroville, CA 95965
(530) 532-7024

Chico:

1775 Concord Ave
Chico, CA 95928
(530) 532-7015

Red Bluff:

633 Washington St.
Red Bluff, CA 96080
(530) 527-8649

Clearlake:

7000A South Center Dr.
Clearlake, CA 95422
(707) 994-6598 **Ext 3**

Assistance in Spanish is usually available. If you need assistance in another language or help writing English, you will need to bring someone to help you.

Call SHARP and the Family Law Facilitators for assistance with the following issues:

**Dissolution of Marriage or
Domestic Partnership**

- Divorce
- Legal Separation
- Summary Dissolution
- Financial Disclosure documents
- Petition for child custody and support
- Annulment
- Bifurcation of Marital Status

Judgments

- Default
- Contested/Uncontested
- Stipulated

Request for Order

- Child Support/Spousal Support
- Child custody and visitation
- Modification of existing orders
- Set Aside Voluntary Declaration of Paternity
- Set Aside Default Paternity
- Temporary Orders

**Paternity/Parentage for Unmarried Persons
Guardianship/Guardianship Terminations**

**Step Parent Adoption (with signed,
uncontested consent of biological parent)
Response**

- Dissolutions
- Paternity
- Restraining Orders
- Request for Order

Small Claims (Plaintiff and Defendant)

Name change:

- Child(ren)
- Adult (self)

Restraining Orders

- Civil Harassment
- Domestic Violence
- Elder Abuse
- Workplace Violence

Expungement of misdemeanor criminal record

Proof of Service/Service by Publication

Contempt (disobeying court orders)

Emancipation (of minor)

Evictions/Unlawful Detainer

- Tenant
- Landlord

**Call any of the SHARP/FLF offices to schedule a workshop or appointment.
Emergency same-day service is available only when truly necessary.**

You may also email your questions to AskSHARP@buttecourt.ca.gov

Melanie Snider

Family Law Facilitator
SHARP Managing Attorney
Butte & Lake Superior Courts

Scott R. Lyon

Family Law Facilitator
Tehama County Superior
Court

Michael Friel

Self-Help Attorney
Lake County Superior
Court

What is a "domestic violence restraining order"?

It is a court order that can help protect people who have been abused or threatened with abuse.

Can I get a domestic violence restraining order?

You can ask for one if:

- A person has abused you or threatened to abuse you *and*
- You have one of the following relationships with that person: married, divorced, separated, registered domestic partnership, have a child together, dating or used to date, live together or used to live together*;
- Or you are related within the second degree of affinity or consanguinity. This means: mother or mother-in-law, father or father-in-law, child or stepchild or legally adopted child, grandparent or grandparent-in-law, grandchild or grandchild-in-law, sister or sister-in-law, brother or brother-in-law, stepparent, daughter-in-law or son-in-law. The in-law must be through a current marriage. (See Family Code § 6211).

* You have to regularly reside in the household.

What is abuse?

Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or sexually assault you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to molest, attack, hit, stalk, threaten, batter, harass, telephone, or contact you; or to disturb your peace; or destroy your personal property. Abuse can be spoken, written, or physical. (See Family Code §§ 6203, 6320).

How soon can I get the order?

The judge will decide within one business day whether or not to make any temporary orders. Sometimes the judge decides sooner. Ask the clerk if you should wait or come back later to get copies of the *Notice of Court Hearing* (Form DV-109) and *Temporary Restraining Order* (Form DV-110).

What if I don't have the relationship necessary to qualify for a domestic violence restraining order?

There are other kinds of orders you can ask for:

- Civil harassment order (can be used for neighbors, roommates, cousins, uncles, and aunts)
- Dependent adult or elder abuse restraining order
- Workplace violence order

Ask the court clerk for the forms you need for these special kinds of orders, or visit www.courts.ca.gov. You may also want to talk to a lawyer.

How will the restraining order help me?

The court can order the restrained person to:

- Not contact or go near you, your children, other relatives, or others who live with you
- Not have any guns or ammunition
- Move out of your house
- Obey child custody and visitation orders
- Pay child support
- Pay spousal support
- Obey orders about property

How do I ask for a domestic violence restraining order?

The forms are available at any California courthouse or county law library or at: www.courts.ca.gov/forms.

You may get assistance in completing and filing your request from the court's self-help center or a legal aid association.

After completing the forms, give them to the clerk of the court. The clerk will write a hearing date on the *Notice of Court Hearing* (Form DV-109). If your request for temporary orders is granted, the clerk will also give you a copy of the *Temporary Restraining Order* (DV-110) signed by a judicial officer.

See Form DV-505-INFO, *How Do I Ask for a Temporary Restraining Order?* to know which forms you need and for steps to follow after you complete the forms.

How long does the order last?

If the judge makes a temporary order, it will last until the hearing date. At that time, the judge will decide to continue or cancel the order. The restraining order can last up to 5 years. Child custody, visitation, child support, and spousal support orders can last longer than 5 years and they do not end when the restraining order ends.

How much does it cost?

Nothing.

How will the person to be restrained know about the order?

Someone who is at least 18—not you or anyone else to be protected by the order—must “serve” (give) the person to be restrained a copy of the order in person. The sheriff or marshal will do it for free, but you have to ask. For help with service, ask the court clerk for form DV-200-INFO, *What Is “Proof of Personal Service”?* or visit www.courts.ca.gov.

What if the restrained person doesn't obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Do I have to go to court?

Yes. Go to court on the date the clerk gives you. If you do not, your order will end.

Do I need a lawyer?

Having a lawyer is always a good idea, especially if you have children, but it is not required. You are not entitled to a free court-appointed lawyer. Ask the court clerk about free and low cost legal services and domestic violence help centers in your county. You can also go to the Family Law Facilitator for help with child support.

Do I need to bring a witness to the court hearing?

No. But it helps to have proof of the abuse. You can bring:

- A written statement from a witness, made under oath
- Witnesses
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The judge may or may not let a witness speak at the hearing.

So if possible, you should bring their written statement under oath to the hearing. (*You can use Form MC-030, Declaration, for this purpose.*)

Will I see the restrained person at the court hearing?

If the restrained person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer. Read *Get Ready for the Court Hearing* (Form DV-520-INFO).

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the court hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. If the interpreter is not available for your court date, bring someone to interpret for you. Do not ask a child, or anyone to be protected by the order, to interpret for you.

What if I don't have a green card?

You can get a restraining order even if you are not a U.S. citizen. If you are worried about deportation, talk to an immigration lawyer.

What if I am deaf or hard of hearing?



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

Need more information?

Ask the court clerk about free or low-cost legal help. For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

Can the restrained person and I agree to cancel the order?

No. After the order is issued, only the judge can change or cancel it.

Can I use the restraining order to get divorced or terminate a registered domestic partnership?

No. These forms will not end your marriage or registered domestic partnership. You must file other forms to end your marriage or registered domestic partnership.

Can the order stop the other parent from taking our children away?

If you get a temporary restraining order that includes an order for custody, the parent with custody may not remove the child from California before notice to the other parent and a court hearing on the request to establish or modify custody. Read the order and Form DV-140, *Child Custody and Visitation Order*, if issued, for any other limits. There are some exceptions. Ask a lawyer.

What if I want to leave the county or state?

The restraining order is valid anywhere in the United States. If you move out of California, contact the local police so they will know about your orders.

1 Use this form as a checklist.

(Look at the numbers at the top of your forms.)

a. For a restraining order you need these forms:

- DV-100 Request for Domestic Violence Restraining Order
- CLETS-001 (Confidential CLETS Information)
- DV-109 Notice of Court Hearing
- DV-110 Temporary Restraining Order

b. If you have children with the person you want protection from, you also need these forms:

- DV-105 Request for Child Custody and Visitation Orders
- DV-140 Child Custody and Visitation Order

c. If you want child support or spousal/partner support, you also need form:

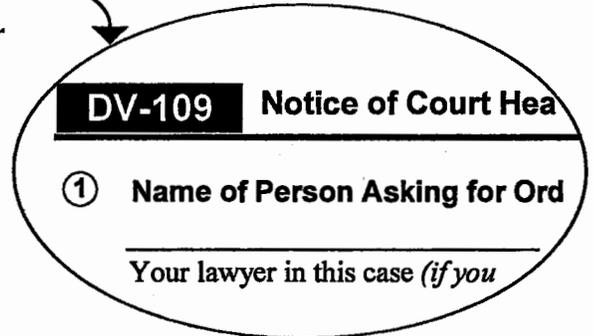
- FL-150* Income and Expense Declaration or
- FL-155* Financial Statement (Simplified)

* Read Which Financial Form—FL-155 or FL-150? (form DV-570) to know which one is right for you.

d. Ask the clerk if your county has special forms or rules.

e. There are other forms you will need later (*do not fill them out now*):

- DV-120 Response to Request for Domestic Violence Restraining Order
- DV-130 Restraining Order After Hearing (Order of Protection)
- DV-200 Proof of Personal Service



2 Fill out the forms you need and take them to the court clerk. The clerk will give your forms to the judge. The judge will look at them and decide whether to make (“grant”) the temporary orders. Sometimes the judge will want to talk to you. If so, the clerk will tell you.

3 Find out if the judge made the temporary restraining orders. Ask the clerk when to come back to see if the judge signed the order form DV-110. The judge must decide by the next business day. If the judge grants a temporary restraining order, check it carefully to see what the orders are. The judge might not order everything you requested. The court will set a hearing date on form DV-109 whether or not the judge grants any temporary orders.

4 "File" the judge's order. The clerk will keep the original forms for the court and will file-stamp up to three copies for you. If you need more, you may make them yourself.

What to do with your copies:

- Keep one copy with you, always. You may need to show it to the police.
- Keep another copy in a safe place.
- Give a copy to anyone else protected by the order.
- Take copies to places where the restrained party is ordered not to go (school, work, child care, etc.)
- Give a copy to the security officers in your apartment building and workplace.

Restraining orders get entered into CLETS, a statewide computer system that lets police know about your order. The court will send the order to law enforcement or CLETS for you.



5 Know your hearing date: Form DV-109

Look at **form DV-109** for the date and time of your hearing. You **must** go to your hearing to get a permanent order.

The order you have now only lasts for about three weeks. Any orders made on **form DV-110 (Temporary Restraining Order)** will end on the hearing date.

You have the right to cancel the hearing. Read page 2 of **form DV-109** for information.

6 "Serve" the restrained party.

Ask someone you know, a process server, or law enforcement to personally "serve" (give) the restrained party a copy of the notice of hearing, the order, and other papers. You **cannot** serve the papers yourself. They **cannot** be sent by mail. The server must:

- Be 18 years of age or older
- Not be listed in item **1** or **3** of **form DV-100, Request for Domestic Violence Restraining Order.**

Law enforcement will serve the orders for free, but you have to ask.

A "process server" is a business you pay to deliver court forms. Look in the Yellow Pages or on the Internet under "Process Serving."

If law enforcement or the process server uses a different proof of service form, make sure the form lists all the forms served.

7 File the Proof of Personal Service (Form DV-200).

The *Proof of Personal Service* shows the judge and police that the restrained person got a copy of the request for orders. Make three copies of the completed *Proof of Personal Service*. Take the original and copies to the court clerk as soon as possible **before your hearing**. The clerk will keep the original and give you back the copies stamped "Filed." Bring a copy to your hearing.

Keep one copy with you and another in a safe place in case you need to show it to the police. Give the other copies out as you did in **4**. The court will send your completed *Proof of Personal Service* to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

If the sheriff serves your order, he or she will send the *Proof of Personal Service* to the court and to CLETS for you.



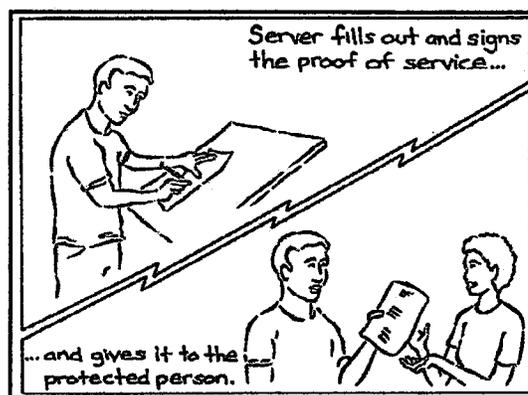
Don't serve it by mail!



8 If the restrained party wasn't served . . .

The restrained party **must** be served before the hearing. If the restrained party wasn't served, fill out form DV-115 (Request to Continue Hearing) and the top of form DV-116 (Order on Request to Continue Hearing) to ask the judge for a new hearing date. Do this **before** or **at** your hearing. (If you wait until after the hearing, you have to start from the beginning and complete all of the forms again.)

If the judge signs form DV-116, any restraining orders will last until the end of the new hearing.



- File the signed order (form DV-116) with the clerk. The clerk will send it to law enforcement or CLETS for you.
- Attach form DV-115 and form DV-116 to your other court papers and have the restrained party personally served.
- After serving the orders, the server fills out and signs form DV-200, Proof of Personal Service, and gives it to you.
- File the original form DV-200, *Proof of Personal Service*, and bring a copy to your hearing.
- Bring a copy of form DV-115 and form DV-116 to your hearing.

9 Need help?

The clerk has information sheets that can help you. Or you can get them at www.courts.ca.gov/forms.

- *Can a Domestic Violence Restraining Order Help Me?* (form DV-500-INFO)
- *What Is "Proof of Personal Service"?* (form DV-200-INFO)
- *Get Ready for the Court Hearing* (form DV-520-INFO)
- *How to Enforce Your Restraining Order* (form DV-530-INFO)
- *How Can I Respond to a Request for Domestic Violence Restraining Order?* (form DV-120-INFO)
- *How Do I Ask the Court to Renew My Restraining Order?* (form DV-700-INFO)
- *Which Financial Form—FL-155 or FL-150?* (form DV-570)

10 Need more help?

- Ask the court clerk about free or low-cost legal help.
- For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It's free and private. They can help you in more than 100 languages.

**California Law Enforcement Telecommunications System (CLETS)
Information Form**

- This form is submitted with the initial filing (date): _____
- This is an amended form (date): _____

Important: This form MUST NOT become part of the public court file. It is confidential and private.

Fill out as much of this form as you can and give it to the court clerk. If the court issues a restraining order, this form will provide law enforcement with information that will help them enforce it. If any of this information changes, fill out a new (amended) form.

Case Number (if you know it): _____
--

1 Person to Be Protected (Name): _____

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Mailing Address (listed on restraining order): _____

City: _____ State: _____ Zip: _____ Telephone (optional): _____

Vehicle (Type, Model, Year): _____ (License Number and State): _____

2 Person to Be Restrained (Name): _____

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Residence Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Business Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Employer: _____

Occupation/Title: _____ Work Hours: _____

Driver's License Number and State: _____ Social Security Number: _____

Vehicle (Type, Model, Year): _____ (License Number and State): _____

Describe any marks, scars, or tattoos: _____

Other names used by the restrained person: _____

3 Guns or Firearms Describe any guns or firearms that you believe the person in **2** owns or has access to (Number, types, and locations): _____

4 Other People to Be Protected

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Race</u>	<u>Relation to Person in 1</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Additional persons to be protected are listed on Attachment 4.

This is not a Court Order—Do not place in court file.

Request for Domestic Violence Restraining Order

Clerk stamps date here when form is filed.

You must also complete form CLETS-001, Confidential CLETS Information, and give it to the clerk when you file this Request.

1 Name of Person Asking for Protection:

Age: _____

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

2 Name of Person You Want Protection From:

Description of person you want protection from:

Sex: M F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Race: _____ Age: _____ Date of Birth: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Do you want an order to protect family or household members? Yes No

If yes, list them:

Table with 5 columns: Full name, Sex, Age, Lives with you?, Relationship to you. Includes checkboxes for Yes/No.

Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" for a title.

4 What is your relationship to the person in (2)? (Check all that apply):

- a. We are now married or registered domestic partners.
b. We used to be married or registered domestic partners.
c. We live together.
d. We used to live together.
e. We are related by blood, marriage, or adoption (specify relationship):
f. We are dating or used to date, or we are or used to be engaged to be married.
g. We are the parents together of a child or children under 18:

Child's Name: _____ Date of Birth: _____
Child's Name: _____ Date of Birth: _____
Child's Name: _____ Date of Birth: _____

Check here if you need more space. Attach a sheet of paper and write "DV-100, Additional Children" for a title.

- h. We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one).

If you do not have one of these relationships, the court may not be able to consider your request. Read form DV-500-INFO for help.

This is not a Court Order.



5 Other Restraining Orders and Court Cases

a. Are there any restraining/protective orders currently in place OR that have expired in the last six months (emergency protective orders, criminal, juvenile, family)?

No Yes (date of order): _____ and (expiration date): _____ (Attach a copy if you have one).

b. Have you or any other person named in ③ been involved in another court case with the person in ②?

No Yes If yes, check each kind of case and indicate where and when each was filed:

Kind of Case	County or Tribe Where Filed	Year Filed	Case Number (if known)
<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
<input type="checkbox"/> Civil Harassment	_____	_____	_____
<input type="checkbox"/> Domestic Violence	_____	_____	_____
<input type="checkbox"/> Criminal	_____	_____	_____
<input type="checkbox"/> Juvenile, Dependency, Guardianship	_____	_____	_____
<input type="checkbox"/> Child Support	_____	_____	_____
<input type="checkbox"/> Parentage, Paternity	_____	_____	_____
<input type="checkbox"/> Other (specify): _____	_____	_____	_____
<input type="checkbox"/> Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Court Cases" for a title.			

Check the orders you want.

6 Personal Conduct Orders

I ask the court to order the person in ② not to do the following things to me or anyone listed in ③:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements
- b. Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail or e-mail or other electronic means

The person in ② will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

7 Stay-Away Order

a. I ask the court to order the person in ② to stay at least _____ yards away from (check all that apply):

- Me My school
- My home Each person listed in ③
- My job or workplace The child(ren)'s school or child care
- My vehicle Other (specify): _____

b. If the person listed in ② is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, workplace, or vehicle? Yes No (If no, explain):

8 Move-Out Order

(If the person in ② lives with you and you want that person to stay away from your home, you must ask for this move-out order.)

I ask the court to order the person in ② to move out from and not return to (address):

I have the right to live at the above address because (explain):

This is not a Court Order.



9 Guns or Other Firearms or Ammunition
I believe the person in **(2)** owns or possesses guns, firearms, or ammunition. Yes No I don't know
*If the judge approves the order, the person in **(2)** will be ordered not to own, possess, purchase, or receive a firearm or ammunition. The person will be ordered to sell to, or store with, a licensed gun dealer, or turn in to law enforcement, any guns or firearms that he or she owns or possesses.*

10 **Record Unlawful Communications**
I ask for the right to record communications made to me by the person in **(2)** that violate the judge's orders.

11 **Care of Animals**
I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in **(2)** to stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals:

I ask for the animals to be with me because:

12 **Child Custody and Visitation**
a. I do not have a child custody or visitation order and I want one.
b. I have a child custody or visitation order and I want it changed.
If you ask for orders, you must fill out and attach form DV-105, Request for Child Custody and Visitation Orders. You and the other parent may tell the court that you want to be legal parents of the children (use form DV-180, Agreement and Judgment of Parentage).

13 **Child Support** (Check all that apply):
a. I do not have a child support order and I want one.
b. I have a child support order and I want it changed.
c. I now receive or have applied for TANF, Welfare, CalWORKS, or Medi-Cal.
If you ask for child support orders, you must fill out and attach form FL-150, Income and Expense Declaration or form FL-155, Financial Statement (Simplified).

14 **Property Control**
I ask the court to give *only* me temporary use, possession, and control of the property listed here:

15 **Debt Payment**
I ask the court to order the person in **(2)** to make these payments while the order is in effect:
 Check here if you need more space. Attach a sheet of paper and write "DV-100, Debt Payment" for a title.
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

16 **Property Restraint**
I am married to or have a registered domestic partnership with the person in **(2)**. I ask the judge to order that the person in **(2)** not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in **(2)** to notify me of any new or big expenses and to explain them to the court.

17 **Spousal Support**
I am married to or have a registered domestic partnership with the person in **(2)** and no spousal support order exists. I ask the court to order the person in **(2)** to pay spousal support. (You must complete, file, and serve form FL-150, Income and Expense Declaration, before your hearing).

This is not a Court Order.



18 **Rights to Mobile Device and Wireless Phone Account**

a. **Property control of mobile device and wireless phone account**

I ask the court to give **only** me temporary use, possession, and control of the following mobile devices: _____ and the wireless phone account for the following wireless phone numbers because the account currently belongs to the person in **(2)** :

- (including area code): _____ my number number of child in my care
- (including area code): _____ my number number of child in my care
- (including area code): _____ my number number of child in my care

Check here if you need more space. Attach a sheet of paper and write "DV-100, Rights to Mobile Device and Wireless Phone Account" for a title.

b. **Debt Payment**

I ask the court to order the person in **(2)** to make the payments for the wireless phone accounts listed in 18a because: _____

Name of the wireless service provider is: _____ Amount: \$ _____ Due Date: _____

If you are requesting this order, you must complete, file, and serve form FL-150, Income and Expense Declaration, before your hearing.

c. **Transfer of Wireless Phone Account**

I ask the court to order the wireless service provider to transfer the billing responsibility and rights to the wireless phone numbers listed in 18a to me because the account currently belongs to the person in **(2)** .

If the judge makes this order, you will be financially responsible for these accounts, including monthly service fees and costs of any mobile devices connected to these phone numbers. You may be responsible for other fees. You must contact the wireless service provider to find out what fees you will be responsible for and whether you are eligible for an account.

19 **Insurance**

I ask the court to order the person in **(2)** NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of me or the person in **(2)**, or our child(ren), for whom support may be ordered, or both.

20 **Lawyer's Fees and Costs**

I ask that the person in **(2)** pay some or all of my lawyer's fees and costs.

You must complete, file, and serve form FL-150, Income and Expense Declaration, before your hearing.

21 **Payments for Costs and Services**

I ask the court to order the person in **(2)** to pay the following:

*You can ask for lost earnings or your costs for services caused directly by the person in **(2)** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

22 **Batterer Intervention Program**

I ask the court to order the person listed in **(2)** to go to a 52-week batterer intervention program and show proof of completion to the court.

23 **Other Orders**

What other orders are you asking for? _____

Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Orders" for a title.

This is not a Court Order.



24 **Time for Service (Notice)**

The papers must be personally served on the person in 2 at least five days before the hearing, unless the court orders a shorter time for service. If you want there to be fewer than five days between service and the hearing, explain why below. For help, read form DV-200-INFO, "What Is Proof of Personal Service"?

25 **No Fee to Serve (Notify) Restrained Person**

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

26 **Court Hearing**

The court will schedule a hearing on your request. If the judge does not make the orders effective right away ("temporary restraining orders"), the judge may still make the orders after the hearing. If the judge does not make the orders effective right away, you can ask the court to cancel the hearing. Read form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*, for more information.

27 **Describe Abuse**

Describe how the person in 2 abused you. Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, keep you under surveillance, impersonate (on the Internet, electronically or otherwise), batter, telephone, or contact you; or to disturb your peace; or to destroy your personal property. (For a complete definition, see Fam. Code, §§ 6203, 6320.)

a. Date of most recent abuse: _____

1. Who was there? _____

2. Describe how the person in 2 abused you or your child(ren):

Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

3. Did the person in 2 use or threaten to use a gun or any other weapon? No Yes (If yes, describe):

4. Describe any injuries: _____

5. Did the police come? No Yes
If yes, did they give you or the person in 2 an Emergency Protective Order? Yes No I don't know
Attach a copy if you have one.

The order protects you or the person in 2

This is not a Court Order.



27 Describe Abuse (continued)

Has the person in 2 abused you (or your child(ren)) other times?

b. Date of abuse: _____

1. Who was there? _____

2. Describe how the person in 2 abused you or your child(ren):

Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

3. Did the person in 2 use or threaten to use a gun or any other weapon? No Yes (If yes, describe):

4. Describe any injuries: _____

5. Did the police come? No Yes

If yes, did they give you or the person in 2 an Emergency Protective Order?

Yes No I don't know Attach a copy if you have one.

The order protects you or the person in 2

If the person in 2 abused you other times, check here and use Form DV-101, Description of Abuse or describe any previous abuse on an attached sheet of paper and write "DV-100, Previous Abuse" for a title.

28 Other Persons to Be Protected

The persons listed in item 3 need an order for protection because (describe): _____

29 Number of pages attached to this form, if any: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

Sign your name

Date: _____

Lawyer's name, if you have one

Lawyer's signature

This is not a Court Order.

Clerk stamps date here when form is filed.

1 Name of Person Asking for Order:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

2 Name of Person to Be Restrained:

The court will fill out the rest of this form.

Clerk fills in case number when form is filed.

Case Number:

3 Notice of Court Hearing

A court hearing is scheduled on the request for restraining orders against the person in **2**.

<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> Hearing Date </div>	→ Date: _____	Time: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	

4 Temporary Restraining Orders (any orders granted are attached on Form DV-110)

a. Temporary restraining orders for personal conduct, stay away, and protection of animals, as requested in Form DV-100, *Request for Domestic Violence Restraining Order*, are:

- (1) All granted until the court hearing
- (2) All denied until the court hearing (specify reasons for denial in (b)):
- (3) Partly granted and partly denied until the court hearing (specify reasons for denial in (b)):

b. Requested temporary restraining orders for personal conduct, stay away, and protection of animals are denied because:

- (1) The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5)
- (2) The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.
- (3) Further explanation of reason for denial, or reason not listed above:

This is a Court Order.



5 Service of Documents and Time for Service—for Person in 1

At least five or ___ days before the hearing, someone age 18 or older—not you or anyone else to be protected—must personally give (serve) a court's file-stamped copy of this form (DV-109, *Notice of Court Hearing*) to the person in 2 along with a copy of all the forms indicated below:

- a. Form DV-100, *Request for Domestic Violence Restraining Order*, (file-stamped) with applicable attachments
- b. Form DV-110, *Temporary Restraining Order* (file-stamped) with applicable attachments if granted by the judge
- c. Form DV-120, *Response to Request for Domestic Violence Restraining Order* (blank form)
- d. Form DV-250, *Proof of Service by Mail* (blank form)
- e. Other (specify): _____

Date: _____

Judicial Officer**Right to Cancel Hearing: Information for the Person in 1**

- If item 4(a)(2) or 4(a)(3) is checked, the judge has denied some or all of the temporary orders you requested until the court hearing. The judge may make the orders you want after the court hearing. You can keep the hearing date, or you can cancel your request for orders so there is no court hearing.
- If you want to cancel the hearing, use Form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*. Fill it out and file it with the court as soon as possible. You may file a new request for orders, on the same or different facts, at a later time.
- If you cancel the hearing, do not serve the documents listed in item 5 on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item 5 served on the other person within the time listed in item 5.
- At the hearing, the judge will consider whether denial of any requested orders will jeopardize your safety and the safety of children for whom you are requesting custody or visitation.
- You must come to the hearing if you want the judge to make restraining orders or continue any orders already made. If you cancel the hearing or do not come to the hearing, any restraining orders made on Form DV-110 will end on the date of the hearing.

To the Person in 1

- The court cannot make the restraining orders after the court hearing unless the person in 2 has been personally given (served) a copy of your request and any temporary orders. To show that the person in 2 has been served, the person who served the forms must fill out a proof of service form. Form DV-200, *Proof of Personal Service* may be used.
- For information about service, read Form DV-210-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the person in 2 in time, you may ask for more time to serve the documents. Read Form DV-115-INFO, *How to Ask for a New Hearing Date*.

This is a Court Order.

Case Number:

To the Person in ②

- If you want to respond in writing, mail a copy of your completed Form DV-120, *Response to Request for Domestic Violence Restraining Order*, to the person in ① and file it with the court. You cannot mail Form DV-120 yourself. Someone age 18 or older—not you—must do it.
- To show that the person in ① has been served by mail, the person who mailed the forms must fill out a proof of service form. Form DV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring it with you to the hearing.
- For information about responding to a restraining order and filing your answer, read Form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*
- Whether or not you respond in writing, go to the court hearing if you want the judge to hear from you before making orders. You may tell the judge why you agree or disagree with the orders requested. You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years.**
- **The judge may also make other orders about your children, child support, spousal support, money, and property and may order you to turn in or sell any firearms that you own or possess.**



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

① Name of Protected Person:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

② Name of Restrained Person:

Description of restrained person:

Sex: M F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Race: _____ Age: _____ Date of Birth: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to protected person: _____

③ Additional Protected Persons

In addition to the person named in ①, the following persons are protected by temporary orders as indicated in items ⑥ and ⑦ (family or household members):

Full name	Relationship to person in ①	Sex	Age
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-110, Additional Protected Persons" as a title.

The court will complete the rest of this form.

④ Court Hearing

This order expires at the end of the hearing stated below:

Hearing Date: _____ Time: _____ a.m. p.m.

This is a Court Order.



- 5 **Criminal Protective Order**
- a. A criminal protective order on form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
Case Number: _____ County: _____ Expiration Date: _____
- b. No information has been provided to the judge about a criminal protective order.

To the person in 2

The court has granted the temporary orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

- 6 **Personal Conduct Orders** Not requested Denied until the hearing Granted as follows:
- a. You must **not** do the following things to the person in 1 and persons in 3:
- Harass, attack, strike, threaten, assault (*sexually or otherwise*), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (*on the Internet, electronically or otherwise*), or block movements
 - Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, e-mail or other electronic means
 - Take any action, directly or through others, to obtain the addresses or locations of the persons in 1 and 3. (*If this item is not checked, the court has found good cause not to make this order.*)
- b. Peaceful written contact through a lawyer or process server or another person for service of Form DV-120 (*Response to Request for Domestic Violence Restraining Order*) or other legal papers related to a court case is allowed and does not violate this order.
- c. Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

- 7 **Stay-Away Order** Not requested Denied until the hearing Granted as follows:
- a. You **must** stay at least (*specify*): _____ yards away from (*check all that apply*):
- The person in 1
 - Home of person in 1
 - The job or workplace of person in 1
 - Vehicle of person in 1
 - School of person in 1
 - The persons in 3
 - The child(ren)'s school or child care
 - Other (*specify*): _____
- b. Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

- 8 **Move-Out Order** Not requested Denied until the hearing Granted as follows:
- You must take only personal clothing and belongings needed until the hearing and move out immediately from (*address*): _____

This is a Court Order.



9 No Guns or Other Firearms or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
 - Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control. Do so within 24 hours of being served with this order.
 - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, stored, or sold. (You may use Form DV-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.) Bring a court filed copy to the hearing.
- c. The court has received information that you own or possess a firearm.

10 Record Unlawful Communications

Not requested Denied until the hearing Granted as follows:
 The person in ① can record communications made by you that violate the judge's orders.

11 Care of Animals Not requested Denied until the hearing Granted as follows:

The person in ① is given the sole possession, care, and control of the animals listed below. The person in ② must stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals:

12 Child Custody and Visitation Not requested Denied until the hearing Granted as follows:

Child custody and visitation are ordered on the attached form DV-140, *Child Custody and Visitation Order* or (*specify other form*): _____. The parent with temporary custody of the child must not remove the child from California unless the court allows it after a noticed hearing (Fam. Code, § 3063).

13 Child Support

Not ordered now but may be ordered after a noticed hearing.

14 Property Control Not requested Denied until the hearing Granted as follows:

Until the hearing, *only* the person in ① can use, control, and possess the following property:

15 Debt Payment Not requested Denied until the hearing Granted as follows:

The person in ② must make these payments until this order ends:

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
 Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

16 Property Restraint Not requested Denied until the hearing Granted as follows:

If the people in ① and ② are married to each other or are registered domestic partners, the person in ① the person in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (*The person in ② cannot contact the person in ① if the court has made a "no contact" order.*)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.



17 Spousal Support

Not ordered now but may be ordered after a noticed hearing.

18 Rights to Mobile Device and Wireless Phone Account

a. Property control of mobile device and wireless phone account

Not requested Denied until the hearing Granted as follows:

Until the hearing, only the person in ① can use, control, and possess the following property:

Mobile device (*describe*) _____ and account (*phone number*): _____

Mobile device (*describe*) _____ and account (*phone number*): _____

Mobile device (*describe*) _____ and account (*phone number*): _____

Check here if you need more space. Attach a sheet of paper and write "DV-110 Rights to Mobile Device and Wireless Phone Account" as a title.

b. Debt Payment Not requested Denied until the hearing Granted as follows:

The person in ② must make these payments until this order ends:

Pay to (*wireless service provider*): _____ Amount: \$ _____ Due date: _____

c. Transfer of Wireless Phone Account

Not ordered now but may be ordered after a noticed hearing.

19 Insurance

The person in ① the person in ② is ordered NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their child(ren), if any, for whom support may be ordered, or both.

20 Lawyer's Fees and Costs

Not ordered now but may be ordered after a noticed hearing.

21 Payments for Costs and Services

Not ordered now but may be ordered after a noticed hearing.

22 Batterer Intervention Program

Not ordered now but may be ordered after a noticed hearing.

23 Other Orders Not requested Denied until the hearing Granted as follows:

Check here if there are additional orders. List them on an attached sheet of paper and write "DV-110, Other Orders" as a title.

24 No Fee to Serve (Notify) Restrained Person

If the sheriff serves this order, he or she will do so for free.

Date: _____

Judge (or Judicial Officer)

This is a Court Order.



Warnings and Notices to the Restrained Person in ②**If You Do Not Obey This Order, You Can Be Arrested And Charged With a Crime.**

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

You Cannot Have Guns, Firearms, And/Or Ammunition.

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

Service of Order by Mail

If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in ②. If this address is incorrect, or to find out if the orders were made permanent, contact the court.

Child Custody, Visitation, and Support

- **Child custody and visitation:** If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing from you.
- **Child support:** The judge can order child support based on the income of both parents. The judge can also have that support taken directly from a parent's paycheck. Child support can be a lot of money, and usually you have to pay until the child is age 18. File and serve a *Financial Statement (Simplified)* (form FL-155) or an *Income and Expense Declaration* (form FL-150) if you want the judge to have information about your finances. Otherwise, the court may make support orders without hearing from you.
- **Spousal support:** File and serve an *Income and Expense Declaration* (form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

Instructions for Law Enforcement

This order is effective when made. It is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

This is a Court Order.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, §13710(b).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2, and Fam. Code, §§ 6383(h), 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001), and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Child Custody and Visitation

- The custody and visitation orders are on form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

Certificate of Compliance With VAWA

This temporary protective order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA), upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

1 Answer these questions: (If *any* answer is yes, go to 2.)

Are you self-employed? Yes No

Are you asking for spousal support or a change in spousal support? Yes No

Is your spouse (husband or wife) asking for spousal support or a change in spousal support? Yes No

Are you asking the other person to pay your attorney fees? Yes No

Is the other person asking you to pay his or her attorney fees? Yes No

Do you have income that is *not* listed below? Yes No

- Welfare (CalWORKS, TANF, GR, or GA)
- Salary from your job
- Disability
- Unemployment
- Worker's Compensation
- Social Security
- Retirement

2 If you answered yes to at least one question, you *must* use FL-150 (Income and Expense Declaration). This form can be hard to fill out. Ask the Family Law Facilitator for help.

3 If you answered no to *all* of the above, you can use FL-155 (Simplified Financial Statement) or FL-150 (Income and Expense Declaration). But FL-155 is easier to fill out.

Your name and address or attorney's name and address:	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER/PLAINTIFF:		
RESPONDENT/DEFENDANT: OTHER PARENT:		
FINANCIAL STATEMENT (SIMPLIFIED)		CASE NUMBER:

NOTICE: Read page 2 to find out if you qualify to use this form and how to use it.

1. a. My only source of income is TANF, SSI, or GA/GR.
 b. I have applied for TANF, SSI, or GA/GR.
2. I am the parent of the following number of natural or adopted children from this relationship _____
3. a. The children from this relationship are with me this amount of time _____ %
 b. The children from this relationship are with the other parent this amount of time _____ %
 c. Our arrangement for custody and visitation is *(specify, using extra sheet if necessary)*:
4. My tax filing status is: single married filing jointly head of household married filing separately.
5. My current gross income *(before taxes)* per month is _____ \$
 This income comes from the following:
Attach 1 Salary/wages: Amount before taxes per month _____ \$
copy of pay Retirement: Amount before taxes per month _____ \$
stubs for Unemployment compensation: Amount per month _____ \$
last 2 Workers' compensation: Amount per month _____ \$
months here Social security: SSI Other Amount per month _____ \$
(cross out Disability: Amount per month _____ \$
social Interest income (from bank accounts or other): Amount per month _____ \$
security
numbers)
 I have no income other than as stated in this paragraph.
6. I pay the following monthly expenses for the children in this case:
 a. Day care or preschool to allow me to work or go to school _____ \$
 b. Health care not paid for by insurance _____ \$
 c. School, education, tuition, or other special needs of the child _____ \$
 d. Travel expenses for visitation _____ \$
7. There are *(specify number)* _____ other minor children of mine living with me. Their monthly expenses that I pay are _____ \$
8. I spend the following average monthly amounts *(please attach proof)*:
 a. Job-related expenses that are not paid by my employer *(specify reasons for expenses on separate sheet)* _____ \$
 b. Required union dues _____ \$
 c. Required retirement payments (not social security, FICA, 401k or IRA) _____ \$
 d. Health insurance costs _____ \$
 e. Child support I am paying for other minor children of mine who are not living with me _____ \$
 f. Spousal support I am paying because of a court order for another relationship _____ \$
 g. Monthly housing costs: rent or mortgage _____ \$
 If mortgage: interest payments \$ _____ real property taxes \$ _____
9. Information concerning my current employment my most recent employment:
 Employer:
 Address:
 Telephone number:
 My occupation:
 Date work started:
 Date work stopped *(if applicable)*: _____ What was your gross income *(before taxes)* before work stopped?: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/CLAIMANT:	
INCOME AND EXPENSE DECLARATION	CASE NUMBER:

1. Employment (Give information on your current job or, if you're unemployed, your most recent job.)

Attach copies of your pay stubs for last two months (black out social security numbers).

- a. Employer:
- b. Employer's address:
- c. Employer's phone number:
- d. Occupation:
- e. Date job started:
- f. If unemployed, date job ended:
- g. I work about _____ hours per week.
- h. I get paid \$ _____ gross (before taxes) per month per week per hour.

(If you have more than one job, attach an 8½-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1—Other Jobs" at the top.)

2. Age and education

- a. My age is (specify):
- b. I have completed high school or the equivalent: Yes No If no, highest grade completed (specify):
- c. Number of years of college completed (specify): Degree(s) obtained (specify):
- d. Number of years of graduate school completed (specify): Degree(s) obtained (specify):
- e. I have: professional/occupational license(s) (specify):
 vocational training (specify):

3. Tax Information

- a. I last filed taxes for tax year (specify year):
- b. My tax filing status is single head of household married, filing separately
 married, filing jointly with (specify name):
- c. I file state tax returns in California other (specify state):
- d. I claim the following number of exemptions (including myself) on my taxes (specify):

4. Other party's income. I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$
 This estimate is based on (explain):

(If you need more space to answer any questions on this form, attach an 8½-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date:

 (TYPE OR PRINT NAME)

 (SIGNATURE OF DECLARANT)

What is "service"?

Service is the act of giving your legal papers to the other party in the case. There are many kinds of service—in person, by mail, and others. This form is about personal, or "in-person," service. The *Notice of Court Hearing* (form DV-109), *Request for Domestic Violence Restraining Order* (form DV-100), and *Temporary Restraining Order* (form DV-110) must be served "in person." That means someone—not you or anyone else protected by the order—must personally "serve" (give) the party to be restrained a copy of the forms. You cannot send them by mail. Service lets the other party know:

- What orders you are asking for
- The hearing date
- How to respond



Why do I have to get the orders served?

- The *police cannot arrest* anyone for violating an order *unless* the restrained party knows about the order.
- The *judge cannot make the orders permanent* unless the restrained party was served.

Who can serve?

Ask someone you know, a process server, or a law enforcement agency (for example, a sheriff) to personally serve (give) a copy of the orders to the party to be restrained. You *cannot* send the forms to that person by mail.

The server must:

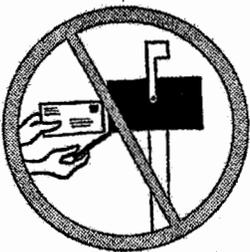
- Be 18 years of age or over
- Not be you or anyone to be protected by the orders

A sheriff can serve the order at no cost to you.

A "registered process server" is a business you pay to deliver court forms.

Look for "Process Serving" in the Yellow Pages or on the Internet.

(Note: If a law enforcement agency or the process server uses a different proof of service form, make sure it lists the forms served.)



Don't serve it by mail!

How does the server "serve" the legal papers?

Ask the server to:

- Walk up to the person to be served.
- Make sure it's the right person. Ask the person's name.
- Give the person copies of all papers checked on form DV-200, Proof of Personal Service.
- Fill out and sign form DV-200.
- Give the signed form DV-200 to you.

What if the person won't take the papers or tears them up?

- If the person won't take the papers, just leave them near him or her.
- It doesn't matter if the person tears them up.



When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on form DV-109:

First, look at the hearing date on page 1. Next, look at the number of days written in item **(5)** on page 2.

(3) Notice of Court Hearing
A court hearing is scheduled on the request.

Hearing Date	Date: _____	Time: _____
	Dept.: _____	Room: _____

(5) Service of Documents and Time for
At least five or _____ days before the hearing. The person in **(2)** who is **protected**—must personally give (serve) a copy of the **Hearing** to the person in **(2)** along with a copy of:

- Form DV-100, *Request for Domestic Violence Restraining Order*
- Form DV-110, *Temporary Restraining Order*
judge
- Form DV-120, *Response to Request for Domestic Violence Restraining Order*
Form DV-250, *Proof of Personal Service*

Look at a calendar. Subtract the number of days in item **(5)** from the hearing date. That's the final date to have the orders served. It's always OK to serve earlier than that date.

If nothing is written in item **(5)**, you must have the papers served at least five days before the hearing.

Who signs the Proof of Personal Service?

Only the person who serves the orders can sign the *Proof of Personal Service* (form DV-200). You do not sign it. The person to be restrained does not sign it.

What happens if I cannot get the papers served before the hearing date?

Forms DV-100, DV-109, and DV-110 must be personally served before the hearing. If not, before your hearing, fill out and file a *Request to Continue Hearing* (form DV-115) and *Order on Request to Continue Hearing* (form DV-116). These forms ask the judge for a new hearing date and make any temporary orders last until the end of the new hearing. Ask the clerk for the forms, or go to www.courts.ca.gov.

You **must** attach a copy of form DV-115 and DV-116 to a copy of your original order. That way, the police will know your orders are still in effect. And the restrained party will be served with notice of the new hearing date. For more information on getting a new hearing date, read form DV-115-INFO, *How to Ask for a New Hearing Date*.

What do I do with the completed Proof of Personal Service?

Bring a copy of the original Proof of Personal Service (form DV-200) to your hearing.

If the sheriff serves the orders, he or she will send the *Proof of Personal Service* to the court and CLETS (California Law Enforcement Telecommunications System), a statewide computer system that lets police know about your order, for you.

If someone other than the sheriff serves the orders, you should:

- If possible, file the original *Proof of Personal Service* (form DV-200) with the court at least two days before your hearing. If you were unable to do so, bring the original *Proof of Personal Service* to your hearing.
- The clerk will send it to CLETS.
- Always keep an extra copy of the restraining orders with you for your safety.

Clerk stamps date here when form is filed.

1 Name of Party Asking for Protection:

2 Name of Party to Be Restrained:

3 Notice to Server

The server must:

- Be 18 years of age or older.
• Not be listed in items 1 or 3 of form DV-100, Request for Domestic Violence Restraining Order.
• Give a copy of all documents checked in 4 to the restrained party in 2 (you cannot send them by mail). Then complete and sign this form, and give or mail it to the party in 1.



Fill in court name and street address:

Superior Court of California, County of

Court clerk fills in case number when form is filed.

Case Number:

4 I gave the party in 2 a copy of all the documents checked:

- a. [] DV-109 with DV-100 and a blank DV-120 (Notice of Court Hearing; Request for Domestic Violence Restraining Order; blank Response to Request for Domestic Violence Restraining Order)
b. [] DV-110 (Temporary Restraining Order)
c. [] DV-105 and DV-140 (Request for Child Custody and Visitation Orders, Child Custody and Visitation Order)
d. [] FL-150 with a blank FL-150 (Income and Expense Declaration)
e. [] FL-155 with a blank FL-155 (Financial Statement (Simplified))
f. [] DV-115 (Request to Continue Hearing)
g. [] DV-116 (Order on Request to Continue Hearing)
h. [] DV-130 (Restraining Order After Hearing)
i. [] Other (specify):

5 I personally gave copies of the documents checked above to the party in 2 on:

- a. Date: _____ b. Time: _____ [] a.m. [] p.m.
c. At this address: _____
City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
(If you are a registered process server):
County of registration: _____ Registration number: _____

7 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print server's name

Server to sign here

DV-520-INFO Get Ready for the Court Hearing

Be prepared.

- Bring 2 copies of all documents and filed forms, including the *Proof of Service*.
- Bring documents that support your case (police or medical reports, rental agreements or receipts, photos, bills, etc.).
- Either person can bring a “support” person to the court hearing to feel safer. The support person must not talk for either person in court.
- You can bring documents or witnesses to help support your case. Provide the other party with a copy of all documents or witness statements. Your witnesses can write their statements about what they saw or heard, signed under penalty of perjury. They can use form MC-030, *Declaration*, or a sheet of paper titled “Declaration.”
- If you are the person to be restrained, complete, file, and serve Form DV-120, *Response to Request for Domestic Violence Restraining Order*, if you haven’t already. Bring 3 copies of DV-120 to the hearing.
- Most courtrooms do not allow children. Before the date of the hearing, ask if there is a children’s waiting room in the courthouse if you do not have childcare available.
- Practice what you want to say to the judge. Make of list of the orders you want or the orders you disagree with. If you get nervous at the hearing, just read from your list.

Don't miss the hearing.

- If you are the person asking for protection and you miss the hearing, the restraining orders will end and you will have to complete the paperwork all over again.
- If you are the person to be restrained and you miss the hearing, the judge can still make the orders.

Get there 30 minutes early.

- Find the courtroom.
- When the courtroom opens, go in and tell the court clerk or officer that you are present.
- Do not sit near or talk to the other person.
- If you are afraid of the other person, tell the officer.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes or up to an hour or more. However, you may be at court several hours, depending on the number of other cases.

What if you don't speak English?

When you file your papers, tell the clerk you will need an interpreter. If a court interpreter is not available, bring someone to interpret for you. Do not ask a child, a protected person, or a witness to interpret for you.

The judge may ask questions.

- Tell the truth. Speak slowly. You can read from your list.
- Give complete answers.
- If you don’t understand, say “I don’t understand the question.”
- Speak only to the judge, unless it is your turn to ask questions.
- When people are talking, wait for them to finish. Then you can ask them questions about what they said.
- Do not interrupt other than for legal objections.
- If the other person tells a lie, wait until he or she finishes talking, then tell the judge.
- Do not sit near or talk to the other person.
- The person to be protected and the person to be restrained or their lawyers may ask questions.

What happens after the hearing?

For person to be protected:

- The court clerk will send Form DV-130 to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.
- If the restrained person was at the hearing, you may have him or her served with a copy of Form DV-130 by mail.
- If the restrained person was not at the hearing, but the judge's orders are the *same* as the temporary order, you may have him or her served with a copy of Form DV-130 by mail.
- If the restrained person was not at the hearing, and the judge's orders are *different* from the temporary order, you must have someone serve Form DV-130 in person, not by mail. Ask the server to complete Form DV-200, *Proof of Personal Service*, and give it back to you.
- Keep a copy of the orders with you at all times.

For person to be restrained:

- You will be served with the *Restraining Order After Hearing* (Form DV-130) within a few days, by mail or in person.
- If you do not receive a copy of the orders within a few days after the hearing, ask the clerk for a copy.
- Keep a copy of the orders with you at all times.

Which forms will I receive after the hearing?

Use this checklist to see if you have the right forms for the case:

- Form DV-130 (*Restraining Order After Hearing*) if the judge made orders at the hearing.
- Form DV-140 (*Child Custody and Visitation Order*) if the judge ordered child custody or visitation. Sometimes lawyers use different forms.
- Form FL-342 (*Child Support Information and Order Attachment*) or Form FL-343 (*Spousal, Partner, or Family Support Order Attachment*) if the judge orders child support and/or spousal support.

Need more help?

Ask the court clerk about free or low-cost legal help.

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

What if you are deaf or hard of hearing?



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

RESPONDING TO A REQUEST FOR A RESTRAINING ORDER AGAINST YOU

- YOU HAVE BEEN SERVED WITH A NUMBER OF DOCUMENTS. YOU SHOULD CAREFULLY READ EACH OF THE DOCUMENTS. AMONG THE DOCUMENTS YOU RECEIVED IS A FIVE PAGE DOCUMENT ENTITLED "REQUEST FOR DOMESTIC VIOLENCE RESTRAINING ORDER" (FORM DV-100), A THREE PAGE DOCUMENT ENTITLED "NOTICE OF COURT HEARING" (FORM DV-109) AND A FIVE PAGE DOCUMENT ENTITLED "TEMPORARY RESTRAINING ORDER" (FORM DV-110).
- ITEM **26** ON THE DV-100 DESCRIBES THE DOMESTIC VIOLENCE YOU ARE ALLEGED TO HAVE COMMITTED. READ IT CAREFULLY.
- TO TELL THE JUDGE YOUR SIDE OF THE STORY, FILL OUT THE FOUR PAGE DOCUMENT IN THIS PACKET LABELED DV-120 "RESPONSE TO REQUEST FOR DOMESTIC VIOLENCE RESTRAINING ORDER."
- PROVIDE COMPLETE ANSWERS TO EACH QUESTION ON FORM DV-120.
- ITEM **24** ON THE DV-120 IS ESPECIALLY IMPORTANT..... BECAUSE..... THIS IS WHERE YOU HAVE THE OPPORTUNITY TO TELL YOUR SIDE OF THE STORY! THIS IS WHERE YOU SHOULD RESPOND TO EVERY ALLEGATION MADE IN ITEM **26** OF THE DV-100.
- WRITE YOUR DETAILED STATEMENT ON A SEPARATE SHEET OF PAPER. WRITE CLEARLY SO YOUR STATEMENT CAN BE READ AND UNDERSTOOD. AT THE TOP OF THE FIRST PAGE OF YOUR STATEMENT WRITE DV-120, ITEM **24**.

ATTACH THIS STATEMENT TO YOUR COMPLETED FORM DV-120.

What is a Domestic Violence Restraining Order?

It is a court order that can help protect people who have been abused or threatened with abuse.

Abuse can be physical or emotional. It can be spoken or written.

What does the order do?

The court can order you to:

- Not contact or harm the protected person, including children or others listed as protected people
- Stay away from all protected people
- Not have any guns or ammunition
- Move out of the place that you share with the protected person
- Follow custody and visitation orders
- Pay child support
- Pay spousal support
- Obey property orders
- Follow other types of orders (listed on *Form DV-100*)

Who can ask for a domestic violence restraining order?

The person requesting the order must have a relationship with you:

- Someone you date or used to date
- Married, registered domestic partners, separated, engaged, or divorced
- Someone you live or lived with (more than just a roommate)
- A parent, grandparent, sibling, child, or grandchild related by blood, marriage, or adoption

I've been served with a request for domestic violence restraining order. What do I do now?

Read the papers very carefully. You must follow all the orders the judge made. The *Notice of Court Hearing* tells you when to appear in court. You should go to the hearing, if you do not agree to the orders requested. If you do not go to the hearing, the judge can make orders against you without hearing from you.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine. You must still follow the orders even if you are not a U.S. citizen. If you are worried about your immigration status, talk to an immigration lawyer.

How long does the order last?

If there is a *Temporary Restraining Order* in effect, it will last until the hearing date. At the hearing, the judge will decide whether to extend the order or cancel the order. The judge can extend the order for up to five years. Custody, visitation, child support, and spousal support orders can last longer than five years and they do not end when the restraining order ends.

What if I don't agree with what the order says?

You still must obey the orders until the hearing. If you do NOT agree with the orders the person is asking for, fill out Form DV-120, Response to Request for Domestic Violence Restraining Order. After you fill out the form, file it with the court clerk and "serve" the form on the person asking for the restraining order. "Serve" means to have someone 18 years or older—not you—mail a copy to the other party. The person who serves your form must fill out Form DV-250, Proof of Service by Mail. After Form DV-250 is completed, make sure it is filed with the court clerk. You will also have a chance at the hearing to tell your side of the story. For more information on how to prepare for the hearing, read Form DV-520-INFO, Get Ready for the Restraining Order Court Hearing.

Is there a cost to file my Response (Form DV-120)?

No.

What if I also have criminal charges against me?

See a lawyer. Anything you say or write, including in this case, can be used against you in your criminal case.



DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

What if I have a gun or ammunition?

If a restraining order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while the order is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to, or store it with, a licensed gun dealer, or turn it in to a law enforcement agency. You must also prove to the court that you turned in or sold your gun. Read [Form DV-800-INFO](#), *How Do I Turn In, Sell, or Store My Firearms?*, for more information.

Do I need a lawyer?

You are not entitled to a free court-appointed lawyer for this case but having a lawyer represent you or getting legal advice from a lawyer is a good idea, especially if you have children. If you cannot afford a lawyer, you can represent yourself. There is free or low-cost help available in every county. For help, ask the court clerk how to find free or low-cost legal services and self-help centers in your area. You can also get free help with child support at your local family law facilitator's office.

What if I do not speak English?

When you file [Form DV-120](#), ask the court clerk if a court interpreter is available for your hearing. If an interpreter is not available, bring someone to interpret for you. Do NOT ask a child, a witness, or anyone to be protected by the order to interpret for you.

What if I am deaf or hard of hearing?



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerks' office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* ([Form MC-410](#)). (Civ. Code, § 54.8.)

Can I use the restraining order to get divorced or terminate a domestic partnership?

No. These forms will not end your marriage or registered domestic partnership. You must file other forms to end your marriage or registered domestic partnership.

What if I have children with the other person?

The judge can make temporary orders for child custody and visitation. If the judge makes a temporary order for child custody, the parent with custody may not remove the child from California before notice to the other parent and a court hearing. Read the order for any other restrictions. There may be some exceptions. Ask a lawyer for more information.

What if I want to leave the county or state?

You must still comply with the restraining order, including custody and visitation orders. The restraining order is valid anywhere in the United States.

Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can. Any temporary restraining order made by the court is in effect until the end of the hearing.

What if I need a restraining order against the other person?

Do not use this form to request a domestic violence restraining order. For information on how to file your own restraining order, read [Form DV-505-INFO](#). You can also ask the court clerk about free or low-cost legal help.

What if I am a victim of domestic violence?

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

For help in your area, contact:

[Local information may be inserted]

Clerk stamps date here when form is filed.

1 Name of Person Asking for Protection:

(See Form DV-100, item 1):

2 Your Name:

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

3 Use this form to respond to the Request for Domestic Violence Restraining Order (Form DV-100).

- Fill out this form and take it to the court clerk.
Have the person in 1 served by mail with a copy of this form and any attached pages.
For more information, read Form DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?
This form is for a response to a restraining order request.

The judge will consider your Response at the hearing.

Write your hearing date, time, and place from Form DV-109, Notice of Court Hearing, item 3, here:

Hearing Date -> Date: Time: Dept.: Room:

You must obey the orders in Form DV-110, Temporary Restraining Order, until the hearing. At the hearing, the court may make restraining orders against you that could last up to five years and could be renewed.

4 Relationship to Person Asking for Protection

- I agree to the relationship listed in item 4 on Form DV-100.
I do not agree that the other party and I have or had the relationship listed in item 4 on Form DV-100 because:

5 Other Protected People

- I agree to the order requested.
I do not agree to the order requested, but I would agree to:

(Specify your reasons in item 25, page 5, of this form.)

This is not a Court Order.



6 **Personal Conduct Orders**a. I agree to the orders requested.b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

7 **Stay-Away Order**a. I agree to the order requested.b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

8 **Move-Out Order**a. I agree to the order requested.b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

9 **Guns or Other Firearms or Ammunition**

If you were served with Form DV-110, Temporary Restraining Order, you must turn in any guns or firearms in your immediate possession or control. You must file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form DV-110.

a. I do not own or have any guns or firearms.b. I ask for an exemption from the firearms prohibition under Family Code section 6389(h) because
(specify): _____c. I have turned in my guns and firearms to law enforcement or sold them to, or stored them with, a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored my firearms
(check all that apply): is attached has already been filed with the court.**10** **Record Unlawful Communications**a. I agree to the order requested.b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

11 **Care of Animals**a. I agree to the order requested.b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

This is not a Court Order.

- 12** **Child Custody and Visitation**
- a. I agree to the order requested.
 - b. I do not agree to the order requested. *(Specify your reasons in item 25, page 5, of this form.)*
 - c. I am not the parent of the child listed in Form DV-105, *Request for Child Custody and Visitation Orders*.
 - d. I ask for the following custody order *(specify)*: _____

e. I do I do not agree to the orders requested to limit the child's travel as listed in Form DV-108, *Request for Order: No Travel with Children*.

You and the other parent may tell the court that you want to be legal parents of the children (use Form DV-180, Agreement and Judgment of Parentage).

- 13** **Child Support** *(Check all that apply)*:
- a. I agree to the order requested.
 - b. I do not agree to the order requested. *(Specify your reasons in item 25, page 5, of this form.)*
 - c. I agree to pay guideline child support.

Whether or not you agree to pay support, you must fill out, serve, and file Form FL-150, Income and Expense Declaration, or Form FL-155, Financial Statement (Simplified).

- 14** **Property Control**
- a. I agree to the order requested.
 - b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

- 15** **Debt Payment**
- a. I agree to the order requested.
 - b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

- 16** **Property Restraint**
- a. I agree to the order requested.
 - b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

- 17** **Spousal Support**
- a. I agree to the order requested.
 - b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.

This is not a Court Order.



18 **Rights to Mobile Device and Wireless Phone Account**
a. I agree to the order requested.
b. I do not agree to the order requested, but I would agree to: _____
(Specify your reasons in item 25, page 5, of this form.)

19 **Insurance**
a. I agree to the order requested.
b. I do not agree to the order requested, but I would agree to: _____
(Specify your reasons in item 25, page 5, of this form.)

20 **Lawyer's Fees and Costs**
a. I agree to the order requested.
b. I do not agree to the order requested, but I would agree to: _____
(Specify your reasons in item 25, page 5, of this form.)
c. I request the court to order payment of my lawyer's fees and costs.
Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.

21 **Payments for Costs and Services**
a. I agree to the order requested.
b. I do not agree to the order requested, but I would agree to: _____
(Specify your reasons in item 25, page 5, of this form.)

22 **Batterer Intervention Program**
a. I agree to the order requested.
b. I do not agree to the order requested, but I would agree to: _____
(Specify your reasons in item 25, page 5, of this form.)

23 **Other Orders** *(see item 22 on Form DV-100)*
a. I agree to the order requested.
b. I do not agree to the order requested, but I would agree to: _____
(Specify your reasons in item 25, page 5, of this form.)

24 **Out-of-Pocket Expenses**
I ask the court to order payment of my out-of-pocket expenses because the temporary restraining order was issued without enough supporting facts. The expenses are:
Item: _____ Amount: \$ _____ Item: _____ Amount: \$ _____
You must fill out, serve, and file Form FL-150, Income and Expense Declaration.

This is not a Court Order.

25 **Reasons I Do Not Agree to the Orders Requested**

Explain your answers to each of the orders requested (*give specific facts and reasons*):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write, "DV-120, Reasons I Do Not Agree" as a title.

Lined area for providing reasons for not agreeing to the orders requested.

26 Number of pages attached to this form, if any: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

▶ _____
Sign your name

Date: _____

Lawyer's name, if you have one

▶ _____
Lawyer's signature

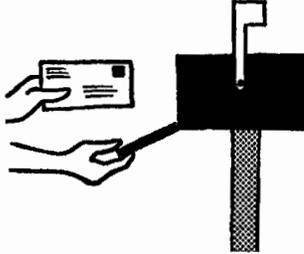
This is not a Court Order.

Clerk stamps date here when form is filed.

1 Name of Person Asking for Protection: _____**2** Name of Person to Be Restrained: _____**3** Notice to Server

The server must:

- Be 18 years of age or over.
- Not be listed in items **1** or **2** or **3** of form DV-100, *Request for Domestic Violence Restraining Order*.
- Mail a copy of all documents checked in **4** to the person in **5**.



Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

4 I (the server) am 18 years of age or over and live in or am employed in the county where the mailing took place. I mailed a copy of all documents checked below to the person in **5**:

- a. DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*
- b. DV-120, *Response to Request for Domestic Violence Restraining Order*
- c. FL-150, *Income and Expense Declaration*
- d. FL-155, *Simplified Financial Statement*
- e. DV-130, *Restraining Order After Hearing (Order of Protection)*
- f. Other (*specify*): _____

Note: You cannot serve DV-100, DV-105, DV-109, or DV-110 by mail.**5** I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

- a. Name of person served: _____
- b. To this address: _____
City: _____ State: _____ Zip: _____
- c. Mailed on (*date*): _____
- d. Mailed from: City: _____ State: _____

6 Server's Information

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

7 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print server's name_____
Server to sign here

1 What is a firearm?

A firearm is a

- Handgun • Shotgun
- Rifle • Assault Weapon



2 If you own or have a firearm, you must:

- Turn it in to local law enforcement, *or*
- Sell it to, or store it with, a licensed gun dealer.

3 How do I sell or store my firearm?

Find a licensed gun dealer in your area.

Look under "Firearms Dealers" in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

4 How do I take my firearm to law enforcement?

Call your local law enforcement agency to ask about their procedures. Take a copy of the restraining order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

5 If I turn my firearm in to law enforcement, how long will they keep it?

Ask the law enforcement agency.

6 After I give my firearm to law enforcement, can I change my mind?

Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

7 Do I have to pay the law enforcement agency to keep my firearm?

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

DO:

- unload your firearm.
- put your firearm in the trunk.
- call ahead to the law enforcement agency.

DO NOT:

- bring a loaded firearm to the law enforcement agency.
- bring ammunition with the firearm when you turn it in.
- put your firearm in a locked glove compartment.
- bring a firearm to court.

8 Questions?

Call your local law enforcement agency:
[insert local information here]

See enclosed document entitled:

HOW TO SURRENDER YOUR FIREARM(S)
IN BUTTE COUNTY

HOW TO SURRENDER YOUR FIREARM(S) IN BUTTE COUNTY

THERE ARE THREE AVAILABLE OPTIONS FOR THE SURRENDER OF YOUR FIREARM(S)

CHOOSE ANY ONE OF THE THREE:

OPTION #1

SURRENDER YOUR FIREARMS TO YOUR LOCAL LAW ENFORCEMENT AGENCY. The local law enforcement agency would be the agency that has jurisdiction over your residential address. You are required to supply a receipt from your local law enforcement agency showing that you have surrendered your firearms.

CONTACT INFORMATION FOR LOCAL LAW ENFORCEMENT AGENCIES:

Butte County Sheriff's Department
33 County Center Drive
Oroville, CA 95965
(530) 538-7321

Chico Police Department
1460 Humboldt Road
Chico, CA 95927
(530) 897-4911

Paradise Police Department
5595 Black Olive Drive
Paradise, CA 95969
(530) 872-6241

Oroville Police Department
2055 Lincoln Boulevard
Oroville, CA 95966
(530) 538-2448

Gridley Police Department
685 Kentucky Street
Gridley, CA 95948
(530) 846-5678

ONCE YOU HAVE BEEN SERVED WITH A
RESTRAINING ORDER:
-YOU HAVE 24 HOURS TO SURRENDER ALL OF
YOUR FIREARMS.
-YOU HAVE 48 HOURS TO PROVIDE WRITTEN
VERIFICATION TO THE COURT THAT YOU HAVE
DONE SO (YOU HAVE 48 HOURS TO FILE FORM
DV-800 WITH THE COURT).

Follow these instructions:

- a. Notify the law enforcement agency in advance by telephone of your intent to bring in weapons. Make an appointment to turn in the firearms following agency procedures.
- b. Make a copy of the restraining order and this attachment and give it to the law enforcement agency.
- c. When transporting: (a) the firearm must be UNLOADED; (b) NO AMMUNITION may be transported with the firearm; (c) the firearm must be LOCKED IN THE VEHICLE TRUNK, if no vehicle trunk is available, a concealable firearm must be transported in a LOCKED CONTAINER other than the vehicle's glove compartment, and (d) the firearm must be transported directly to the law enforcement agency with no stops on the way.
- d. Upon arrival at the facility, leave the firearm in the locked container or trunk.
- e. Go into the office and inform the law enforcement personnel of your purpose and follow their instructions.
- f. Open the trunk or container and step away to allow the law enforcement personnel to confirm the firearm is unloaded.
- g. Make sure the law enforcement officer signs off on the DV-800/JV-252 form entitled "Proof of Firearms Turned In or Sold" to verify you surrendered your firearms as ordered.
- h. File the DV-800/JV-252 with this court within 48 hours after receiving the restraining order as proof that the firearms were surrendered.
- i. The law enforcement agency will store your firearm for the length of the court order, allowing you to make ONE SALE of ALL your firearms through a licensed gun dealer during the term of the court order. Contact the law enforcement agency that is storing your firearms for instructions on how to sell your previously stored firearms. Every law enforcement agency has the authority to charge a storage fee and each jurisdiction may have individual policies regarding storage of firearms.

OPTION #2

SELL YOUR FIREARMS TO A REGISTERED FIREARMS DEALER who is listed with the California Department of Justice Firearms Dealers Centralized List. You should attach to the DV-800/JV-252 form a copy of the Bill of Sale from the firearms dealer to verify you have sold your firearm(s). (See * below).

OPTION #3

SELL OR GIVE YOUR FIREARM(S) TO A PRIVATE PARTY. The law requires that whenever you sell OR GIVE a firearm to a PRIVATE PARTY the transaction must go through a registered firearm dealer. The firearm dealer needs to be listed on the California Department of Justice Firearms Dealer Centralized List. You should attach to the DV-800/JV-252 form a copy of the Dealer's Record of Sale of Firearms Worksheet which will be provided to you by the firearms dealer. (See * below).

*IF YOU CHOOSE THIS METHOD OF RELINQUISHING YOUR FIREARM(S), the firearms dealer must also sign off on the DV-800/JV-252 form entitled "Proof of Firearms Turned In or Sold" to verify your compliance with the court order.

File the DV-800/JV-252 form with this court within 48 hours after receiving the restraining order as proof that the firearms surrender requirement has been met.

When you go to the registered firearms dealer, bring a copy of this instruction sheet for review by the firearms dealer.

DV-800/JV-252**Proof of Firearms Turned In or Sold**

Clerk stamps below when form is filed.

1 Protected person's name:

2 Your name (restrained person):

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your phone # (*optional*): (_____) _____

Your lawyer (*if you have one*): (*Name, address, phone #, and State Bar #*):

Court name and street address:

Superior Court of California, County of

3 To the person selling or turning in firearms:

When you sell or turn in your firearms, ask law enforcement or the gun dealer to complete item 4 or 5 and item 6. After the form is signed, take it to the court clerk. Keep a copy. For help, read Form DV-810.

Case Numbers:

4 To: Law Enforcement

Fill out parts 4 and 6 of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed below were turned in on:
Date: _____ at: _____ a.m. p.m.
To: _____
Name and title of law enforcement agent

Name of law enforcement agency

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

➤ _____
Signature of law enforcement agent

5 To: Licensed Gun Dealer

Fill out parts 5 and 6 of this form. Keep a copy and give the original to the person who sold the firearms to you.

The firearms listed below were sold on:
Date: _____ at: _____ a.m. p.m.
To: _____
Name of licensed gun dealer

License number *(_____) Telephone*

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

➤ _____
Signature of licensed gun dealer

6 Firearm Make	Model	Serial #
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

Check here if more firearms. Attach a sheet of paper and write "DV-800, Item 6 — Firearms Turned In or Sold" at the top. Include make, model and serial # for all other firearms.

DV-115-INFO How to Ask for a New Hearing Date

You may need to ask for a new hearing date if:

- You are the **protected party** and are unable to have form DV-109, *Notice of Court Hearing*, and other papers served in time before the hearing date.
- You are the **restrained party** and it is your first time asking the court to continue the hearing and you need time to hire a lawyer to prepare a response.
- You have a good reason for needing a new hearing date (the court may grant a request to continue the hearing on a showing of “good cause”).

What does form DV-115 do?

Use form DV-115 to ask the court to “continue” the hearing. If the court continues the hearing and a *Temporary Restraining Order* (form DV-110) was issued, that order will be extended until the end of the new hearing date, unless the court decides to modify or terminate it.

- “Continue” the hearing means to give you a new hearing date.
- “Extend” means to keep any temporary orders in effect until the new hearing date.

Follow these steps:

- Fill out all of form DV-115.
- Fill out items ① through ③ on form DV-116, *Order on Request to Continue Hearing*.
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk’s office to see if the judge approved (granted) your request to continue the hearing.
- If the judge signed form DV-116, the court will give you a new hearing date. If the judge did NOT sign the form, you should go to the hearing at the date, time, and location that is shown on form DV-109.
- Next, file both forms DV-115 and DV-116 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to court on the hearing date.
- The other party must be served a copy of the court papers as described in item ⑨ on form DV-116.
- Ask the person who serves the papers to complete a proof of service form and give it to you. If service was in person, use form DV-200, *Proof of Personal Service*. If service was by mail, use form DV-250, *Proof of Service by Mail*. Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk’s office before the hearing.
- If the court continues the hearing date and extends the expiration date of the temporary restraining order to the date of the new hearing, the clerk will send the restraining order to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.

Go to the hearing

- Take at least two copies of your documents and filed forms to the hearing. Include a copy of the filed proof of service form. Your documents may include exhibits, declarations, and financial statements, which the court may enter into evidence at its discretion.
- If the protected party does not go to the hearing, the temporary domestic violence restraining orders will expire on the date and time of the hearing. If the restrained party does not go to the hearing, the court can still make orders against him or her that can last for up to five years.

Need help?

Ask the court clerk about free or low-cost legal help. For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline: 1-800-799-7233 (TDD: 1-800-787-3224). It’s free and private. They can help you in more than 100 languages.

Clerk stamps date here when form is filed.

Use this form to ask the court to change the hearing date listed on form DV-109, Notice of Court Hearing. (Read DV-115-INFO, How to Ask for a New Hearing Date, for more information).

1 Party Seeking Continuance

a. Full Name: _____

- I am the: Party seeking protection.
 Restrained Party.

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

2 Other Party

Full Name: _____

3 Request to Continue Hearing

a. I ask the court to continue the hearing currently scheduled for (date): _____

b. I request that the hearing be continued because (check any that apply):

- (1) I could not get the papers served before the hearing date.
(2) I am the restrained party, and this is my first request to continue the hearing.
(3) I need more time to hire a lawyer or prepare for the hearing or trial.
(4) Other good cause as stated below on Attachment 3b(4).

This is not a Court Order.

Case Number: _____

4 Extension of Temporary Restraining Order

a. A *Temporary Restraining Order* (Form DV-110) was issued on (date): _____.
Please attach a copy of the order if you have one.

b. **Notice: If the hearing date is continued, the *Temporary Restraining Order* (Form DV-110) will remain in effect until the end of the new hearing, unless otherwise ordered by the court.**

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print name of

Lawyer Party Without Lawyer

▶ _____
Sign your name

Clerk stamps date here when form is filed.

Complete items ①, ②, and ③.

① Protected Party:

② Restrained Party:

③ Party Seeking Continuance

I am the Protected Party Restrained Party

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____ E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

The court will complete the rest of this form.

④ Order on Request for Continuance

a. The hearing in this matter is currently scheduled for (date): _____

b. The request for a continuance is DENIED for the reasons set forth below on Attachment 4b.

The hearing shall be held as currently scheduled above. The Temporary Restraining Order (form DV-110) issued on (date): _____ remains in full force and effect until the hearing date.

c. The request for a continuance is GRANTED as set forth below.

⑤ Order Granting Continuance and Notice of New Hearing

The court hearing on the Request for Domestic Violence Restraining Order (form DV-100) is continued to the date, time, and location shown below:

New Hearing Date

Date: _____ Time: _____
Dept.: _____ Room: _____

Name and address of court, if different from above:

The extended Temporary Restraining Order (form DV-110) expires at the end of this hearing.

This is a Court Order.



6 Reason for the Continuance

a. The continuance is needed because:

- (1) The person in ② was not served before the current hearing date.
- (2) The parties were referred to child custody mediation or child custody recommending counseling.
- (3) The person in ② asked for a first continuance of the hearing.
- (4) The person in ③ asked for more time to hire a lawyer or prepare for the hearing or trial.
- (5) Other good cause as stated below on Attachment 6a(5).

b. The court finds good cause and orders a continuance in its discretion.

7 Extension of Temporary Restraining Order

- a. No temporary restraining orders were issued in this case.
- b. By granting the request to continue the hearing, the orders listed in *Temporary Restraining Order* (form DV-110), issued on (date): _____, remain in effect until the end of the hearing in ⑤.
- c. The Temporary Restraining Order is MODIFIED. A new *Temporary Restraining Order* (form DV-110) is issued as of this date. The orders remain in effect until the end of the hearing in ⑤.
- d. The Temporary Restraining Order is TERMINATED for the reasons stated below on Attachment 7d.

e. Other (specify): _____

Warning and Notice to the Party in ②

If ⑦ b or c is checked, you must continue to obey the Temporary Restraining Order until it expires at the end of the hearing scheduled in ⑤.

8 Other Orders (specify):

Additional orders are included at the end of this order on Attachment 8.

This is a Court Order.



9 Service of Order

- a. No further service of this order is required because both parties were present at the hearing when the new hearing date was ordered.
 - b. The court granted the protected party's request to continue the hearing date. A copy of this order must be served on the restrained party at least ____ days before the hearing in **(5)**.
 - (1) All other documents requesting domestic violence restraining orders as shown in form DV-109, *Notice of Court Hearing* (at item **(5)**) must also be personally served on the restrained party.
 - (2) The *Temporary Restraining Order* (Form DV-110) has been modified and must be personally served on the restrained party.
 - (3) A copy of the *Temporary Restraining Order* must NOT be served because the order was terminated in 7d.
 - c. The court granted the restrained party's request to continue the hearing date. A copy of this order must be served on the protected party at least ____ days before the hearing in **(5)**. A copy of the *Temporary Restraining Order* (form DV-110) must be served if it was modified by the court in item **(7)**.
 - d. All documents must be personally served unless otherwise specified below.
- _____
- e. Other (*specify*):
- _____
- _____

10 No Fee to Serve

If the sheriff or marshal serves this order, he or she will do it for free.

11 CLETS Entry

If the hearing is continued, the court or its designee will transmit this form within one business day to law enforcement personnel for entry into the California Restraining and Protective Order System (CARPOS) via the California Law Enforcement Telecommunications System (CLETS).

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate I certify that this *Order On Request to Continue Hearing (Temporary Restraining Order)* (CLETS-TRO) is a true and correct copy of the original on file in the court.
[seal]

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.

DV-530-INFO How to Enforce Your Order

Get copies.

Get copies of your restraining order and *Proof of Service* from the court clerk:

- Keep 1 copy with you, always. You may need to show it to the police.
- Keep another copy in a safe place.
- Give a copy to anyone else protected by the order.
- Take copies to places where the restrained person is ordered not to go (school, work, daycare, etc.).
- Give a copy to the security officers in your apartment building and workplace.

If any problems, call the police.

Call the police *right away* if the restrained person violates any of the orders. Also:

- Write down what happened, when, where, and the names of any witnesses.
- Get copies of police reports.
- If you are hurt, get copies of medical reports.

Even if you haven't served the orders yet, call the police.

Show the police a copy of your orders. If the restrained person is there, ask the officer to serve the orders. If the officer serves the orders, he or she will send the *Proof of Service* to the court and CLETS for you.

CLETS is a statewide computer system that lets police know about your order.

Police can arrest.

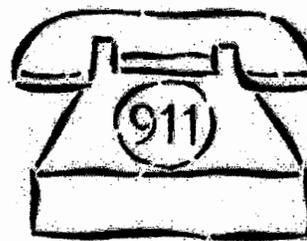
It is a crime to disobey the judge's orders.

The restrained person can:

- Be fined *or*
- Go to jail

Ask your local district attorney (D.A.) how he or she will handle your case. The D.A. may file criminal or contempt charges. You can always call the D.A. for information about a criminal case.

You can also file a civil contempt action. Ask the court clerk for forms.



If you're in danger, call 911!

Guns

The restrained person cannot

- own
- have
- buy or try to buy

a gun or firearm while the order is in effect. If the person does, he or she can go to jail and pay a fine of \$1,000.

Penal Code section 11106 authorizes a law enforcement officer to give you information about any firearms the restrained person has registered, transferred, or sold. You may disclose the information as needed to protect yourself or someone else.



Restraining Order After Hearing (Order of Protection)

Clerk stamps date here when form is filed.

Original Order Amended Order

1 Name of Protected Person:

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

2 Name of Restrained Person:

Description of restrained person:

Sex: M F Height: Weight: Hair Color: Eye Color:

Race: Age: Date of Birth:

Mailing Address (if known):

City: State: Zip:

Relationship to protected person:

3 Additional Protected Persons

In addition to the person named in 1, the following persons are protected by orders as indicated in items 6 and 7 (family or household members):

Table with 4 columns: Full name, Relationship to person in 1, Sex, Age

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-130, Additional Protected Persons," as a title.

4 Expiration Date

The orders, except as noted below, end on

(date): at (time): a.m. p.m. or midnight

- If no date is written, the restraining order ends three years after the date of the hearing in item 5(a).
If no time is written, the restraining order ends at midnight on the expiration date.
Note: Custody, visitation, child support, and spousal support orders remain in effect after the restraining order ends. Custody, visitation, and child support orders usually end when the child is 18.
The court orders are on pages 2, 3, 4, and 5 and attachment pages (if any).

This order complies with VAWA and shall be enforced throughout the United States. See page 5.

This is a Court Order.



5 Hearings

- a. The hearing was on (date): _____ with (name of judicial officer): _____
- b. These people were at the hearing (check all that apply):
- The person in ① The lawyer for the person in ① (name): _____
- The person in ② The lawyer for the person in ② (name): _____
- c. The people in ① and ② must return to Dept. _____ of the court on (date): _____
at (time): _____ a.m. p.m. to review (specify issues): _____

To the person in ②:

The court has granted the orders checked below. Item ⑨ is also an order. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. The person in ② must **not** do the following things to the protected people in ① and ③:
- Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements.
- Contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail, or other electronic means.
- Take any action, directly or through others, to obtain the addresses or locations of any protected persons. (If this item is not checked, the court has found good cause not to make this order.)
- b. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.
- c. Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

7 Stay-Away Order

- a. The person in ② must stay at least (specify): _____ yards away from (check all that apply):
- The person in ① School of person in ①
- Home of person in ① The persons in ③
- The job or workplace of person in ① The child(ren)'s school or child care
- Vehicle of person in ① Other (specify): _____
- b. Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8 Move-Out Order

The person in ② must move out immediately from (address): _____

9 No Guns or Other Firearms or Ammunition

- a. The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

This is a Court Order.



- 9 b. The person in 2 must:
- Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within his or her immediate possession or control. Do so within 24 hours of being served with this order.
 - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, sold, or stored. (Form DV-800, *Proof of Firearms Turned In, Sold, or Stored*, may be used for the receipt.) Bring a court filed copy to the hearing.
- c. The court has received information that the person in 2 owns or possesses a firearm.
- d. The court has made the necessary findings and applies the firearm relinquishment exemption under Family Code section 6389(h). Under California law, the person in 2 is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): _____
 The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in 2 may be subject to federal prosecution for possessing or controlling a firearm.

10 **Record Unlawful Communications**
 The person in 1 has the right to record communications made by the person in 2 that violate the judge's orders.

11 **Care of Animals**
 The person in 1 is given the sole possession, care, and control of the animals listed below. The person in 2 must stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

12 **Child Custody and Visitation**
 Child custody and visitation are ordered on the attached Form DV-140, *Child Custody and Visitation Order* or (*specify other form*): _____

13 **Child Support**
 Child support is ordered on the attached Form FL-342, *Child Support Information and Order Attachment* or (*specify other form*): _____

14 **Property Control**
 Only the person in 1 can use, control, and possess the following property: _____

15 **Debt Payment**
 The person in 2 must make these payments until this order ends:

Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

Check here if more payments are ordered. List them on an attached sheet of paper and write "DV-130, Debt Payments" as a title.

16 **Property Restraint**
 The person in 1 person in 2 must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, the person must notify the other of any new or big expenses and explain them to the court. (*The person in 2 cannot contact the person in 1 if the court has made a "No-Contact" order.*)
 Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.



17 **Spousal Support**
Spousal support is ordered on the attached Form FL-343, *Spousal, Partner, or Family Support Order Attachment* or (specify other form): _____

18 **Rights to Mobile Device and Wireless Phone Account**
a. **Property Control of Mobile Device and Wireless Phone Account**
Only the person in **1** can use, control, and possess the following property:
Mobile device (describe) _____ and account (phone number): _____
Mobile device (describe) _____ and account (phone number): _____
 Check here if you need more space. Attach a sheet of paper and write "DV-130 Rights to Mobile Device and Wireless Phone Account" as a title.

b. **Debt Payment**
The person in **2** must make these payments until this order ends:
Pay to (wireless service provider): _____ Amount: \$ _____ Due date: _____

c. **Transfer of Wireless Phone Account**
The court has made an order transferring one or more wireless service accounts from the person in **2** to the person in **1**. These orders are contained in a separate order (Form DV-900).

19 **Insurance**
 The person in **1** the person in **2** is ordered NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their child(ren), if any, for whom support may be ordered, or both.

20 **Lawyer's Fees and Costs**
The person in **2** must pay the following lawyer's fees and costs:
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

21 **Payments for Costs and Services**
The person in **2** must pay the following:
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
 Check here if more payments are ordered. List them on an attached sheet of paper and write "DV-130, Payments for Costs and Services" as a title.

22 **Batterer Intervention Program**
The person in **2** must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department under Penal Code § 1203.097. The person in **2** must enroll by (date): _____ or if no date is listed, must enroll within 30 days after the order is made. The person in **2** must complete, file and serve Form 805, Proof of Enrollment for Batterer Intervention Program.

23 **Other Orders**
Other orders (specify): _____

24 **No Fee to Serve (Notify) Restrained Person**
If the sheriff or marshal serves this order, he or she will do it for free.

This is a Court Order.



25 Service

- a. The people in ① and ② were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b. The person in ① was at the hearing on the request for original orders. The person in ② was not present.
 - (1) Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in ② must be served. This order can be served by mail.
 - (2) Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in Form DV-110, or Form DV-110 was not issued. The person in ② must be personally "served" (given) a copy of this order.
- c. Proof of service of Form FL-300 to modify the orders in Form DV-130 was presented to the court.
 - (1) The people in ① and ② were at the hearing or agreed in writing to this order. No other proof of service is needed.
 - (2) The person in ① ② was not at the hearing and must be personally "served" (given) a copy of this amended order.

26 Criminal Protective Order

- a. Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
Case Number: _____ County: _____ Expiration Date: _____
- b. Other Criminal Protective Order in effect (*specify*): _____
Case Number: _____ County: _____ Expiration Date: _____
(List other orders on an attached sheet of paper. Write "DV-130, Other Criminal Protective Orders" as a title.)
- c. No information has been provided to the judge about a criminal protective order.

27 Attached pages are orders.

- Number of pages attached to this seven-page form: _____
- All of the attached pages are part of this order.
- Attachments include (*check all that apply*):
 - DV-140 DV-145 DV-150 FL-342 FL-343 DV-900
 - Other (*specify*): _____

Date: _____

Judge (or Judicial Officer)

Certificate of Compliance With VAWA

This restraining (protective) order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.



Warnings and Notices to the Restrained Person in 2**If you do not obey this order, you can be arrested and charged with a crime.**

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

You cannot have guns, firearms, and/or ammunition.

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. Unless the court grants an exemption, you must sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect. Even if exempt under California law, you may be subject to federal prosecution for possessing or controlling a firearm.

Instructions for Law Enforcement**Start Date and End Date of Orders**

The orders *start* on the earlier of the following dates:

- The hearing date in item ⑤ (a) on page 2, or
- The date next to the judge's signature on this page.

The orders *end* on the expiration date in item ④ on page 1. If no date is listed, they end three years from the hearing date.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person "served" (notified) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Order System (DVROS). (Fam. Code, § 6381(b)-(c).)

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

Child Custody and Visitation

The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.

Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

1 Name of Protected Person:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**2 Name of Restrained Person:****Description of restrained person:**Sex: M F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Race: _____ Age: _____ Date of Birth: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to protected person: _____

3 I am protected by the attached protective/restraining order. The order was made by (name and address of court):**4 The attached order:**

- Is a true and correct copy
- Is currently valid and in full force and effect
- Has not been changed, canceled, or replaced by any other order
- Was made in a different state, U.S. territory, Indian tribal court, the District of Columbia, Puerto Rico, US Virgin Islands, or in a military court
- Expires on (date) _____

5 I ask that the attached order be registered with this court for entry into the California Law Enforcement and Telecommunication System (CLETS). My request is voluntary. I understand that registration of the order is not necessary for enforcement.

I declare under penalty of perjury under the laws of the State of California that the above information is true and correct.

Date: _____

Type or print your name

Sign your name

This is a Court Order.

Case Number: _____

The attached out-of-state restraining order is registered, valid, and enforceable in California, and can be entered into CLETS, unless it ends or is changed by the court that made it.

Date: _____

Judge (or Judicial Officer)

Court Clerk Must Seal This Form and Attached Foreign Protection Order

This form sets forth the procedure to register a foreign protection order under Family Code section 6404. No court hearing is required to register the foreign protection order. This form and the attached foreign protection order must be sealed pursuant to Family Code section 6404(a). Access to the foreign protection order is allowed only to law enforcement, the person who registered the order upon written request with proof of identification, the defense after arraignment on criminal charges involving an alleged violation of the order, or upon further order of the court.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Order to Register Out-of-State or Tribal Court Protective/Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

- 1 **What does “renew” mean?**
 - It is the way the judge can make your current restraining order last longer than the current expiration (end) date.
 - If the judge “renews” your *Restraining Order After Hearing* (Form DV-130), it will have a new expiration (end) date.
- 2 **When do I ask for the renewal?**

Anytime within the three months before the date your current order ends (see Form DV-130).
- 3 **How long can the new order last?**

The order can last for five years or permanently.
- 4 **What will the judge want to know?**

The judge may renew a restraining order without a showing of any abuse since the original order. However, you must show a reasonable fear of abuse in the future.
- 5 **How much does it cost?**

Nothing.
- 6 **Do I have to go to court?**

Yes. Go to court on the date the clerk gives you. If you do not, your restraining order will end.
- 7 **What are the steps?**
 - Fill out:
 - Form DV-700 (*Request to Renew Restraining Order*)
 - Form DV-710 (*Notice of Hearing to Renew Restraining Order*)
 - Attach a copy of your current *Restraining Order After Hearing* (Form DV-130) to Form DV-700.
 - Make at least 3 copies of all forms.
 - Take the forms to the court clerk.
 - The clerk will give your forms to the judge for signature. Sometimes the judge may want to talk to you. If so, the clerk will tell you. If the judge signs Form DV-710, the court will send it to law enforcement or CLETS for you. CLETS is a statewide computer system that lets law enforcement know about your order.

- 8 **The clerk or judge will set a hearing date.**

You must go to the hearing. Form DV-710 will tell you when and where it will be.

3 **Court Hearing**
The judge has set a court hearing date.

The restraining order (<i>Order of Protection</i>) s			
New Hearing Date	Date:	_____	Time: _____
	Dept.:	_____	Rm.: _____

origin in (2)

- 9 **Have someone age 18 or older personally serve the restrained person with a copy of these forms:**
 - DV-700 (*Request to Renew Restraining Order*)
 - DV-710 (*Notice of Hearing to Renew Restraining Order*)
 - Your current DV-130 (*Restraining Order After Hearing*)
 - DV-720 (*Response to Request to Renew Restraining Order*)—leave it blank for the restrained person to answer.

For information on “service,” read Form DV-200-INFO (*What Is “Proof of Personal Service”?*). Someone 18 or older—not you or anyone protected by the restraining order—can serve the order. The person who serves the forms must complete the *Proof of Personal Service* (Form DV-200).

This is not a Court Order.



Clerk stamps below when form is filed.

1 Name of Protected Person:

Your lawyer in this case (if you have one):
Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

2 Name of Restrained Person:

Describe that person: Sex: M F Ht.: _____ Wt.: _____

Race: _____ Hair Color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

Fill in case number:

Case Number:

3 I ask the court to renew the *Restraining Order After Hearing* (Form DV-130). A copy of the order is attached.

a. The order ends on (date): _____

b. The order has been renewed _____ times.

c. I want the order to be renewed for (check one):

5 years permanently

4 I ask the court to renew the order because: (Check all that apply. Explain why you are afraid of abuse in the future):

a. The person in **2** has violated the order (explain what happened and when): _____

b. I am afraid that the person in **2** will abuse me in the future because: _____

c. Other (explain): _____

Check here if you need more space. Attach a sheet of paper and write "Form DV-700, Other" for a title.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

**Notice of Hearing to
Renew Restraining Order**

Clerk stamps date here when form is filed.

1 Name of Protected Person:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Fill in court name and street address:

Superior Court of California, County of**2 Name of Restrained Person:**

Description of restrained person:

Sex: M F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Race: _____ Age: _____ Date of Birth: _____

Mailing Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to protected person: _____

Clerk fills in case number when form is filed.

Case Number:*The court will fill in the rest of this form.***3 Court Hearing**

The judge has set a court hearing date.

The Restraining Order After Hearing (Order of Protection) stays in effect until the expiration date on that order or the end of the hearing below, whichever is later.**Hearing
Date &
Time**

Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

To the person in ②:

At the hearing, the judge can renew the current restraining order for another five years or permanently. Before the hearing, you can file a response on Form DV-720. You *must* continue to obey the current restraining orders until the expiration date on the current orders or the hearing date, whichever is later. At the hearing, you can tell the judge why you agree or disagree with the request to renew the orders. If the restraining orders are renewed, you *must* obey the orders even if you do not attend the hearing.

This is a Court Order.

4 Service and Response

To the Person in 1

Someone 18 or over—not you or anyone else protected by the restraining order—must personally “serve” a copy of the following forms on the person in 2 at least ____ days before the hearing.

- DV-700, Request to Renew Restraining Order (file stamped);
• DV-710, Notice of Hearing to Renew Restraining Order (this form);
• DV-720, Response to Request to Renew Restraining Order (blank copy);
• DV-130, the current Restraining Order After Hearing (Order of Protection) that you want to renew.

After the person in 2 has been served, file Form DV-200, Proof of Personal Service, with the court clerk. For help with service, read Form DV-200-INFO, What Is “Proof of Personal Service”? Bring a copy of Form DV-200, Proof of Personal Service, to the court hearing.

To the Person in 2

If you want to respond in writing to the request to renew the restraining order, fill out Form DV-720, Response to Request to Renew Restraining Order. File the original with the court, and have someone 18 or over—not you—mail a copy of it to the person in 1 before the hearing. Also file Form DV-250, Proof of Service by Mail, with the court before the hearing. Bring a copy of Form DV-250, Proof of Service by Mail, to the court hearing.

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons with Disabilities and Response (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this Temporary Restraining Order is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

Response to Request to Renew Restraining Order

Use this form to respond to the Request to Renew Restraining Order (Form DV-700)

- Fill out this form and then take it to the court clerk.
Have someone—age 18 or older—not you or anyone in (3) on Form DV-130 serve the person in (1) by mail with a copy of this form and any attached pages. (Use Form DV-250, Proof of Service by Mail.)

(1) Protected Person (See Form DV-700, item (1)):

(2) Restrained Person:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

(3) Response

- a. I agree to renew the order.
b. I do not agree to renew the order.

(4) I ask the court not to renew the order because (specify):

Check here if you need more space. Attach a sheet of paper and write "DV-720, Reason to Not Renew" for a title.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____ Type or print your name

Date: _____ Your lawyer's name, if you have one

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

The court will consider your Response at the hearing. Write your hearing date, time, and place from Form DV-710, item (3) here:

Hearing Date -> Date: _____ Time: _____

Dept.: _____ Room: _____

You must continue to obey the current restraining order on Form DV-130 (Restraining Order After Hearing) until the hearing. If you do not come to the hearing, the court may renew the order against you 5 years or permanently.

Sign your name

Lawyer's signature

Clerk stamps date here when form is filed.

1 Name of Protected Person:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Name of Restrained Person:

Description of restrained person:

Sex: M F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Race: _____ Age: _____ Date of Birth: _____

Mailing Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to protected person: _____

3 Hearing

There was a hearing on (date): _____ at (time): _____ a.m. p.m. Dept. _____ Room: _____

These people were at the hearing:

a. The person in 1 c. The lawyer for the person in 1 (name): _____

b. The person in 2 d. The lawyer for the person in 2 (name): _____

4 Renewal and Expiration

The request to renew the attached restraining order, issued on (date): _____ is:

a. GRANTED. The attached restraining order is renewed and will now be in effect for:

5 years permanently (the renewed restraining order must be attached to this form.)

The attached order will expire on:

(date): _____ (time): _____ a.m. p.m. or midnight

(Child custody, visitation, and support orders may have been modified and may be different from those issued on the attached restraining order).

b. DENIED. The attached restraining order expires as stated in that order.

Number of pages attached: _____

Date: _____

Judicial Officer

This is a Court Order.

1 Who can ask the court to change or end the *Restraining Order After Hearing*?

- The Protected Party or the Restrained Party can ask to modify (change) or terminate (end) the restraining orders issued in *Restraining Order After Hearing* (form DV-130) before the orders expire.
- Do not use form FL-300 to ask to renew the restraining orders in form DV-130 before they expire. Use *Request to Renew Restraining Order* (form DV-700).

2 What orders can be changed or ended?

A party may ask the court to change or end any of the orders made on form DV-130, including:

- The restraining orders that protect persons from violence or threat of violence by others (for example, the no contact, stay-away, move out, recording of unlawful communication orders);
- The list of persons protected by the orders;
- Child custody, child visitation (parenting time), or child support orders; and
- Spousal or domestic partner support orders.

3 If I ask to end the restraining order, can I keep child custody, visitation, or support orders?

If the restraining order ends, any child custody, visitation (parenting time), support, or spousal or domestic partnership orders will remain in effect, unless the court also changes or ends those orders.

4 What if the Restrained Party wants to change or end the restraining orders?

A restrained party must not violate the restraining order to contact the protected party. There are strict requirements if the restrained party asks the court to change or end the orders as described in this form.

5 What forms do I fill out to ask to change or end the *Restraining Order After Hearing*?

- To ask for an order to change or end your *Restraining Order After Hearing* (form DV-130):
 - Fill out form FL-300, *Request for Order*.
- To ask to change the child custody or visitation (parenting time) orders, you may need some of these forms:
 - FL-105, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
 - FL-311, *Child Custody and Visitation (Parenting Time) Application Attachment*
 - FL-312, *Request for Child Abduction Prevention Orders*
 - FL-341(C), *Children's Holiday Schedule Attachment*
 - FL-341(D), *Additional Provisions—Physical Custody Attachment*
 - FL-341(E), *Joint Legal Custody Attachment*
- To ask the court to change the child support orders made in form DV-130, you need:
 - A current form FL-150, *Income and Expense Declaration*. You may use form FL-155, *Financial Statement (Simplified)*, instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.
- To ask the court to change the spousal or partner support orders (or orders about your finances), you need:
 - A current form FL-150, *Income and Expense Declaration*
- To ask the court to make orders for attorney's fees and costs, you need:
 - A current form FL-150, *Income and Expense Declaration*
 - FL-319, *Request for Attorney's Fees and Costs Attachment* (or provide the information in a declaration)
 - FL-158, *Supporting Declaration for Attorney's Fees and Costs* (or provide the information in a declaration)
- If you plan on having witnesses testify at the hearing, you will need:
 - FL-321, *Witness List*
- Additional forms you may need are described on pages 3 and 4 of this information sheet.

6 What if I want to respond to a request to change or end the *Restraining Order*?

Complete, file, and serve form FL-320, *Responsive Declaration to Request for Order*. See form FL-320-INFO, *Information Sheet: Responsive Declaration to Request for Order* for more information.



7 Complete form FL-300 (page 1)

Caption: Complete the top part of the form, including your name, address, telephone number, e-mail address, and the court address.

- **Write the names of the parties in the caption.** *If you already have a family law case, use the party names as they are in that case. If you are the Petitioner in that case, you will be the Petitioner on form FL-300. If you are the Respondent in the family law case, you will be the Respondent on form FL-300.*

If you do not already have a family law case, list yourself as the Petitioner on form FL-300 if you are the Protected Party on the restraining order. List yourself as the Respondent on form FL-300 if you are the Restrained Party on the restraining order.

- **Check all the boxes that apply to the orders you want.**

Check the “Change” box if you want to change the order. Below that, indicate the orders that you want to change; for example, domestic violence order, child custody, visitation (parenting time), spousal or partner support.

If you want to ask the court to end the domestic violence orders, check the box for “Domestic Violence Order.” Then, check “Other, (specify)” and write “End restraining orders in form DV-130.”

- Item 1:** Write the name of the other parties in your case.
- Item 2:** Leave this blank. The court clerk will fill in the date, time, and location of the hearing.
- Item 3:** This is a notice to the other parties in the case.
- Items 4-5:** Leave these blank. The court will complete them if it grants the order.
- Item 6:** In some counties, the court clerk will check item 6 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party’s attorney to make the appointment and then complete item 6 before filing form FL-300. Ask your court’s Family Law Facilitator or Self-Help Center to find out what your court requires.
- Items 7-8:** Leave these blank. The court will complete them if needed.

8 Complete form FL-300 (pages 2-4)

9 Complete additional forms and make copies

Complete any additional forms that you need to give to the court clerk when you file the *Request for Order*. Make at least three copies of your full packet.

10 File your completed forms

Take them to the clerk’s office in person, mail them, or e-file them (if available in your county). The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*.

Note: To help schedule the hearing date, tell the clerk if the Protected Party is registered in the Safe at Home program. Extra time is needed for the Protected Party to receive notice after it is served on the Secretary of State.

11 Filing fee

Generally, there is no fee to file a request to change or end the orders included in *Restraining Order After Hearing* (form DV-130). However, after a restraining order is ended, the court may charge a fee if a party files a request to change the child custody, visitation, or support orders granted in form DV-130.



12 Temporary Emergency (Ex Parte) Orders (nondomestic violence restraining orders)

To address emergencies, courts can sometimes grant a party's request for temporary emergency orders with or without notice to the other party before the court hearing. The temporary orders last until the day of the hearing.

- *A request for temporary emergency orders must involve an immediate danger or irreparable harm to a party or children in the case, or an immediate loss or damage to property.*
- Ask your court's family law facilitator or self-help center to explain procedures for requesting temporary emergency orders at your court, and follow those procedures.
- By law, the court CANNOT grant a Restrained Party's request for temporary emergency orders to change or end the restraining orders before the noticed court hearing. However, the Restrained Party may seek a court order for a shorter time until the hearing or for a shorter time to serve the request on the Protected Party.

13 Serve the Request for Order documents

The other party must be "served" with a:

- Copy of the *Request for Order* and all the other forms and attachments filed with the court clerk.
- Copy of any temporary emergency orders granted.
- Blank form FL-320, *Responsive Declaration to Request for Order*
- Blank form FL-150, *Income and Expense Declaration* (if you served form FL-150 or FL-155).

14 General information about "service"

"Service" is the act of giving your legal papers to all persons named as parties in the case so that they know: what orders you are asking for; whether temporary emergency orders were made before the hearing; the date, time, and location of the hearing; and how to respond to your request.

NOTE: For questions about serving form FL-300, talk with a lawyer or contact your Family Law Facilitator or Self-Help Center <http://www.courts.ca.gov/1083.htm>.

15 Service deadlines

Unless the court orders a different deadline: Personal service (hand-delivery) must be completed at least *16 court days* before the hearing. Service by mail must be completed at least *16 court days, PLUS five calendar days*, before the hearing if service is done within the state.

16 Who can "serve" the documents

The server must be 18 years of age or older and not be anyone protected or restrained by the orders. You cannot serve the papers. The server can be a friend, a relative who is not involved in your case, a sheriff, or a professional process server. If serving by mail, the server must live or work in the county where the mailing took place.

17 When personal service is required

- A Restrained Party's request to change or end restraining orders must always be personally served (hand-delivered) on the Protected Party, unless the court allows another method.
- The court granted temporary emergency (ex parte orders) that start before the hearing date. Note: Special procedures apply for personal service on a Protected Party who has a confidential address with the Secretary of State's Safe at Home program. For more information, go to www.sos.ca.gov/registries/safe-home/applicants-and-participants/program-policies/#child-custody.

18 When service by mail is permitted

- A Protected Party's *Request for Order* to change or end the restraining orders in form DV-130 may be served on the restrained party by mail.
- Requests by either party only to change *temporary orders* in form DV-130 for child custody or visitation (parenting time), support, financial, or other orders (NOT protective orders), may be served by mail.
- Requests made by either party only to change "*permanent*" or "*final*" orders for child custody and visitation (parenting time), or child support in form DV-130 may be served by mail if an *Address Verification* is included (see form FL-334 at courts.ca.gov/documents/fl334.pdf).

- 19 Server must complete a *Proof of Service***
 After the forms are personally served, the server must complete a proof of personal service and give it to you. Form FL-330, *Proof of Personal Service* may be used for this purpose. Give the server form FL-330-INFO, *Information Sheet for Proof of Personal Service* for instructions.
 If service was by mail, the server may use form FL-335, *Proof of Service by Mail*. Give the server form FL-335-INFO, *Information Sheet for Proof of Service by Mail* for instructions.
- 20 File the *Proof of Service* before your hearing**
 Make three copies of the proof of service. Give the original and copies to the court clerk as soon as possible (or e-file them) before your hearing.
 The clerk will keep the original and give you back the copies stamped "Filed." Bring a copy stamped "Filed" to your hearing. The filed *Proof of Service* shows the judge that the person received a copy of the *Request for Order* and all other documents or attachments.
- 21 Get ready for your hearing**
 Find more information about preparing for your hearing at <http://www.courts.ca.gov/1094.htm>.
- 22 Go to the court hearing**
 Take at least three copies of your filed forms to the hearing, including the proof of service. At the hearing, the judge will decide whether to change or end the restraining orders.
- 23 What if the judge changes or ends the restraining order at the hearing?**
- If the judge *changes (amends)* the orders, fill out a new form DV-130, *Restraining Order After Hearing* that shows the changed orders orders.
 Check the "Amended" box on the top of the form. The court will write the number of the amendment on the form. For example, if it is the first time the order is changed, the court will write "1st" before the word "Amended."
 Give the court three copies of the proposed amended order.
 - If the judge *ends* the restraining order, give the court form DV-400, *Findings and Order to Terminate Restraining Order After Hearing*. Complete only items 1 and 2, and give the court three copies.
 - After the judge signs the order, the clerk will file the original and give you three stamped copies.
- 24 Serve the court order**
 Have the other party personally served with a copy of the filed orders made on form DV-130 or form DV-400, unless the court orders another method of service or the other party was served at the hearing.
- 25 File the *Proof of Service***
 The server must complete a proof of personal service, such as form FL-330, *Proof of Personal Service*. Make three copies.
 The original proof of personal service must then be filed with the court clerk. The clerk will file the original and give you back the copies you sent to the clerk stamped "Filed."
 Keep one copy with you and another in a safe place in case you need to show it to the police.
- 26 Get the order entered into the statewide Restraining Order Registry**
 The court will send the filed, amended form DV-130 or form DV-400 and proof of service to law enforcement for you. That way police across the state and the nation will know the order has changed or ended.
- 27 Need more help?**
 Ask the court clerk about free or low-cost legal help.
 For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline at 1-800-799-7233 (TDD: 1-800-787-3224). It is free and private. They can help in more than 100 languages.
- 28 If you need protection in the future, you can always go back to court and ask for a restraining order.**

Findings and Order to Terminate Restraining Order After Hearing

Clerk stamps date here when form is filed.

Complete only items 1 and 2. The remaining items are for court use.

1 Name of Protected Party: _____**2** Name of Restrained Party: _____**3** Court Findings (Fam. Code, § 6345 (a) & (d))

- a. The Protected Party filed the request to terminate the restraining orders in *Restraining Order After Hearing* (form DV-130). A proof of service (by mail or personal service) of the request on the Restrained Party is filed with the court.
- b. The Restrained Party filed the request to terminate restraining orders. The filed proof of service shows that the Protected Party received notice of the Request by:
1. Personal service.
 2. Service on the Secretary of State (the Protected Person is registered in the Safe at Home Program).
 3. An alternative, court-ordered method of service that gives actual notice of the request and the hearing.
- c. The Restrained Party filed the request to terminate the restraining orders in form DV-130. The Protected Party was physically present in court on the hearing date, waived his or her right to notice, and does not challenge the sufficiency of the notice.
- d. The Protected Party was physically present at the hearing and verified his or her identity.
- e. The Protected Party and the Restrained Party submitted a written stipulation (agreement) to terminate the restraining orders in *Restraining Order After Hearing* (form DV-130).
- f. Other (*specify*): _____

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

4 Court OrdersThe protective orders in *Restraining Order After Hearing* (form DV-130) that were issued or modified on (date): _____ are terminated. This order is effective when made.

- a. Child custody, visitation (parenting time), and child support orders in *Restraining Order After Hearing* (form DV-130)
1. Remain in effect.
 2. Have been modified on (date): _____
 3. Are also terminated.
- b. Spousal or domestic partner support orders in *Restraining Order After Hearing* (form DV-130)
1. Remain in effect.
 2. Have been modified on (date): _____
 3. Are also terminated.
- c. Unless modified or terminated by court order, any existing orders for child custody, child visitation (parenting time), child support, and spousal or partner support made in a Domestic Violence Prevention Act case after a noticed hearing survive the termination of the protective order, and remain in effect. Family Code sections 6340(a), 6345(b).
- d. This order does not modify or terminate any existing criminal, juvenile, or probate court orders.

This is a Court Order.

5 **Hearings**

- a. The hearing was on *(date)*: _____ with *(name of judicial officer)*: _____
- b. These people were at the hearing *(check all that apply)*:
- | | |
|--|--|
| <input type="checkbox"/> The Protected Party | <input type="checkbox"/> Protected Party's lawyer <i>(name)</i> : _____ |
| <input type="checkbox"/> The Restrained Party | <input type="checkbox"/> Restrained Party's lawyer <i>(name)</i> : _____ |
| <input type="checkbox"/> Other <i>(name)</i> : _____ | <input type="checkbox"/> Lawyer <i>(name)</i> : _____ |
| <input type="checkbox"/> Other <i>(name)</i> : _____ | <input type="checkbox"/> Lawyer <i>(name)</i> : _____ |

6 **CLETS Entry**

The court or its designee will transmit this form within one business day to law enforcement personnel for entry into the California Restraining and Protective Orders System via CLETS.

7 **Service of this Order**

- a. The **Protected Party** and the **Restrained Party** were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b. The **Protected Party** (party who asked for the order) was at the hearing. The **Restrained Party** was not. Someone 18 or over—not anyone else protected or restrained by the restraining order—must personally “serve” the Restrained Party with a filed copy of this order.
- c. The **Restrained Party** (party who asked for the order) was at the hearing. The **Protected Party** was not. Someone 18 or over—not anyone else protected or restrained by the restraining order—must personally “serve” the Protected Party with a filed copy of this order.
- d. Other *(specify)*:

Date: _____

Judge (or Judicial Officer)

(Clerk will fill out this part.)
—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Findings and Order to Terminate Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

[Empty box for clerk stamp]

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Name of Protected Person: _____

2 Name of Restrained Person: _____

Lawyer for Restrained Person (if you have one for this case):

Name: _____ State Bar No.: _____

Address (Address of lawyer or address of restrained person. Do not provide an address that should be kept private.):

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Items 3 through 5 must be completed by the program

3 Batterer Intervention Program

a. Name of Program: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Report date: _____ Intake date: _____ Class start date: _____

b. This 52-week program is approved by the probation department under Penal Code section 1203.097.

TO PROGRAM STAFF: If you choose to provide another report that contains all the information in 4, skip to 5 and attach your report. Do not forget to provide your name, title, signature, and date at the end of this form.

4 Program Attendance and Progress

a. Number of sessions completed: _____ Number of sessions missed: _____

Of the sessions missed, how many excused? _____

b. The person in 2 is participating and expected to finish by (date): _____

c. The person in 2 successfully completed the program on (date): _____

d. The person in 2 was terminated from the program on (date): _____, for the following reason (explain): _____

5 Optional Report

The attached report includes all information required under California Family code section 6343.

NOTICE TO PROGRAM PROVIDER

This form should NOT be used to disclose information (example: medical or health information) that is protected under state and federal laws without appropriate written authorization from the person in 2.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct to the best of my knowledge.

Date: _____

(Type or print name and title)

(Signature of program staff)

TO THE WIRELESS SERVICE PROVIDER: This order is made under California Family Code section 6347.

THE ORDER APPLIES TO:

- ① Wireless service provider (name): _____
- ② Current account holder (name): _____
Billing telephone number: _____
- ③ New account holder (name): _____
- ④ Transfer of the following wireless phone number(s):
Telephone number (include area code): _____
Telephone number (include area code): _____
- Check box to include attachment with additional telephone number(s).

Fill in court name and street address:

Superior Court of California, County of _____

Fills in case number:

Case Number: _____

⑤ TRANSFER OF RIGHTS AND RESPONSIBILITIES

All rights and responsibilities for the accounts listed in ④, including all financial responsibility for the telephone numbers, monthly service costs, and costs for any mobile device associated with the telephone numbers, must be immediately transferred to the new account holder (person in ③).

The person in ③ will be financially responsible for the accounts listed in ④ starting:

- the date the account is transferred by the wireless service provider
- (specify date) _____

- ⑥ The person in ③ must send this order and a completed copy of form DV-901 to the wireless service provider listed in ①. For information on where to send this form and Form DV-901, go to the following website: <http://www.sos.ca.gov/registries/safe-home/domestic-violence-wireless-plans>. Form DV-901 is a confidential form and must NOT be filed with the court.

Date: _____

*Judicial Officer***ATTENTION WIRELESS SERVICE PROVIDER**

The new account holder's (person in ③) contact information, including information on form DV-901, must NOT be disclosed to the current account holder (person in ②).

This order is made under California's Domestic Violence Prevention Act.

This is a Court Order.

INSTRUCTIONS FOR WIRELESS SERVICE PROVIDER

The orders contained on page 1 of this form must be followed unless the wireless service provider cannot operationally or technically effectuate the order due to certain circumstances, including, but not limited to, any of the following:

- When the current account holder has already terminated the account
- When differences in network technology prevent the functionality of a device on the network
- When there are geographic or other limitations on network or service availability

If the provider determines that transfer CANNOT occur, then the provider MUST notify the person in ③ within 72 hours of receipt of this order (California Family Code section 6347).

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this order is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Case Number: _____

Your name: _____

**ATTACHMENT TO
ORDER TRANSFERRING WIRELESS PHONE ACCOUNT (Form DV-900)**

Confidential Information

**DO NOT FILE THIS FORM WITH THE COURT.
DO NOT PLACE IN THE COURT FILE.**

ATTENTION PROTECTED PERSON: This form should not be filed with the court. Complete this form and send it to the wireless service provider (*service provider*), along with a copy of the order (Form DV-900).

To be completed by Protected Person:

- ① The service provider is (*name of company*): _____
- ② The current account holder (*name of restrained person*): _____
- ③ The new account holder (*your name*): _____
Your contact information (*This information will be used by the service provider only. The service provider will use this information to contact you to set up your account*):
 - a. The best phone number to reach you at is (*list a phone number that is not controlled by the restrained person*): _____
 - b. Another phone number to reach you at is (*list a phone number that is not controlled by the restrained person*): _____
 - c. E-mail address: _____
 - d. Mailing address: _____

WHERE SHOULD I SEND FORM DV-900 AND THIS FORM (DV-901)?

To find out where to send these forms, go to the California Secretary of State's website at <http://www.sos.ca.gov/registries/safe-home/domestic-violence-wireless-plans> OR check at <http://www.courts.ca.gov/selfhelp-domesticviolence.htm> and search for your service provider. You will be able to send the forms by mail, e-mail, or fax, depending on the service provider. The account(s) CANNOT be transferred to you if you do not send these forms to the service provider.

ATTENTION WIRELESS SERVICE PROVIDER

Under the Domestic Violence Prevention Act, California Family Code section 6347, the information contained on this form is **CONFIDENTIAL** and must not be disclosed to the Restrained Person (*listed in ②*).